

CODE OF ORDINANCES
TOWN OF BRUNSWICK, MARYLAND

Project 1687

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TOWN OF BRUNSWICK CODE OF ORDINANCES

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TOWN OF BRUNSWICK CODE OF ORDINANCES

CHAPTER 1. GENERAL PROVISIONS

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CHAPTER 1
GENERAL PROVISIONS

Article 1. Codification

Title 1. Designation

Section 1-1101. Citations

The ordinances embraced in the following chapters shall constitute and be designated as the “Town of Brunswick Code of Ordinances (1986)”, and may be so cited. The code may also be cited as the “Brunswick Town Code”.

Section 1-1102. Titles of Sections

The titles of the several sections of this code are intended as mere catchwords to indicate the contents of the sections and shall not be taken to be a part of such sections.

Section 1-1103. Revisor’s Notes

Revisor’s Notes appearing at the end of some sections are advisory only and are not included within the designation of this Code.

Title 2. Organization

Section 1-1201. Numbering System

Every number assigned to identify a section of this Code shall indicate the position of that section within the Code and shall be consistent with the following system:

- (a) First digit indicates the Chapter.
- (b) Second digit indicates the Article within the Chapter.
- (c) Third digit indicates the Title within the Article.
- (d) Fourth and fifth digits indicate sequence of the Section within the Title.

For example, this Section 1-1201 is located in Chapter 1 at Article 1, Title 2 and is the first Section within the Title.

Section 1-1202. New Ordinances

All ordinances passed subsequent to this Code of Ordinances which amend, repeal or in any way affect this Code of Ordinances, shall be numbered in accordance with the numbering system of this Code, shall be maintained in the permanent Town records, and shall from time to time be prepared for publication as supplementary pages for insertion into this Code.

All ordinances passed subsequent to this Code of Ordinances which do not amend, repeal or in any way affect this Code of Ordinances, or which do not have the effect of an enduring or continuously applicable law, shall be designated “Special Ordinances” and shall not be codified. An index and copy of each such Special Ordinance shall be maintained in the Town offices for public inspection; a full index of such Special Ordinances shall be prepared for publication from time to time.

Section 1-1203. Adding New Subject Matter to this Code

When the Town Council desires to enact an ordinance of a general and permanent nature on a subject not heretofore existing in the Code, a section in substantially the following language should be made a part of the ordinance: “Section _____. It is the intention of the Town Council and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances, and the sections of this ordinance may be renumbered to accomplish such intention.” If necessary, new subject matter sections may be organized into one or more new Titles within an existing Article. In the event that such subject matter does not fit into the general subject matter of an existing Article, a new Article and if necessary, a new Chapter may be created.

Section 1-1204. Amending and Repealing Sections of this Code

All sections of this Code desired to be amended or repealed should be specifically amended or repealed by section number. Amendments to any of the provisions of this Code should be made by amending such provisions with specific reference to the section of this Code in substantially the following language: “That section _____ of the Code of Ordinances is hereby amended to read as follows: _____ (set out new provisions in full) _____”.

Article 2. Legal Construction

Title 1. General Rules of Construction

Section 1-2101. Express Language

In the construction of this Code, the following rules shall be observed unless such construction would be inconsistent with the manifest intent of this Code:

- (a) All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.
- (b) The singular always includes the plural, and vice versa, except where such construction would be unreasonable.

- (c) Unless otherwise provided in a particular section, all words in this Code importing one gender include and apply to the other gender as well.

Section 1-2102. References to the Laws of Other Jurisdictions

Whenever a provision of this Code refers to any portion of a State or county law, the reference applies to any subsequent amendment to that law, unless the referring provision expressly provides otherwise.

Section 1-2103. Computation of Time

In computing any period of time prescribed or allowed by any applicable provision of this Code, the day of the act, event, or default, after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included unless: (1) it is a Saturday, Sunday or a legal holiday in which event the period runs until the end of the next day, which is neither a Saturday, Sunday nor a legal holiday. When the period of time allowed is more than seven (7) days, intermediate Saturdays, Sundays and legal holidays shall be considered as other days; but if the period of time allowed is seven (7) days or less, intermediate Saturdays, Sundays and legal holidays shall not be counted in computing the period of time.

Section 1-2104. Effect of Repeals

The repeal of an ordinance or code section shall not revive any ordinance or code section in force before or at the time such repeal took effect. The repeal of an ordinance or code section shall not affect any punishment or penalty encumbered before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal.

Section 1-2105. Continuous Provisions

Those provisions appearing in the Code, so far as they may be the same in substance as ordinances which existed at the effective date of this Code, shall be considered as continuations thereof and not as new enactments.

Section 1-2106. Severability

It is hereby declared to be the intention of the Town Council that the sections, paragraphs, sentences, clauses, and words of this Code are severable and if any word, clause, sentence, paragraph, or section of this Code shall be declared unconstitutional or otherwise invalid by judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining words, clauses, sentences, paragraphs, and sections of this Code, since the same would have been enacted by the Town Council without the incorporation into this Code of any such unconstitutional or invalid word, clause, sentence, paragraph or section.

TOWN OF BRUNSWICK CODE OF ORDINANCES

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CHAPTER 2

LEGISLATIVE AND ADMINISTRATIVE FUNCTIONS

Article 1. The Mayor and Town Council

Title 1. Council Organization

Section 2-1101. Regular Meetings

The Town Council shall hold regular meetings on the second Tuesday of each month. All regular Council meetings shall be held in the town hall.

Section 2-1102. Special Meetings

Special meetings shall be called by the Clerk Treasurer upon request of the Mayor or a majority of the Council members. Public notification concerning such meetings shall be published in a newspaper of general circulation in the town, as well as posted at the town hall.

Section 2-1103. Presiding Officer

The Mayor shall serve as Chairman of the Council. The chairman of the Council shall be the Presiding Officer. The Presiding Officer shall preserve strict order and decorum at all regular and special meetings of the Council. He shall state every question coming before the Council, announce the decision of the Council on all subjects and decide all questions of order, subject, however, to an appeal to the Council, in which event a majority vote of the Council shall govern and conclusively determine such questions of order. The Mayor may take part in all discussions and shall have a vote only in the case of a tie. He shall sign all ordinances and regulations adopted by the Council in his presence.

Section 2-1104. Special Committees

All special committees shall be appointed by the Mayor unless otherwise directed by the Council.

Title 2. Council Procedures

Section 2-1201. Order of Business

All meetings of the Council shall be open to the public unless closed in accordance with the laws of the State. Promptly at the hour set on the day of each regular meeting, the members of the Council, the Clerk/Treasurer, and the Mayor shall take their regular stations in the town hall, and the business of the Council shall be taken up for consideration and disposition in the following order:

- (1) Call to order.

- (2) Roll call.
- (3) Approval of minutes of previous meeting.
- (4) Petitions, remonstrances and communications.
- (5) Introduction and adoption of resolutions and ordinances.
- (6) Report of Officers – Council – Committees.
- (7) Unfinished business.
- (8) New business.
- (9) Miscellaneous.
- (10) Appropriations.
- (11) Adjournment.

Section 2-1202. Roll Call

Before proceeding with the business of the Council, the Clerk/Treasurer shall call roll of the members, and the names of those present shall be entered in the minutes.

Section 2-1203. Quorum

A majority of all the members elected to the Council shall constitute a quorum at any regular or special meeting of the Council.

Section 2-1204. Approval of Minutes

At the beginning of each meeting of the Town Council, the Clerk/Treasurer shall read the Minutes of the previous meeting and the Council shall make such corrections as necessary and shall approve the minutes as a permanent record.

Section 2-1205. Rules of Debate

- (a) Presiding Officer. The Mayor, or such other member of the Council as may be presiding, may move, second and debate from the chair, subject only to such limitations of debate as are by these rules imposed on all members and shall not be deprived of any of the rights and privileges of a Council member by reason of his action as Presiding Officer, except as provided in Section 2-1103.
- (b) Getting the floor—improper references to be avoided. Every member desiring to speak shall address the Chair, and upon recognition by the Presiding Officer, shall confine himself to the question under debate.
- (c) Interruptions. A member, once recognized, shall not be interrupted when speaking unless it be to call him to order, or as herein otherwise provided. If a member, while speaking, be called to order, he shall cease speaking until the question of order be determined, and, if in order, he shall be permitted to proceed.

- (d) Remarks of Council member—when entered in minutes. A Council member may request, through the Presiding Officer, the privilege of having an abstract of his statement on any subject under consideration by the Council entered in the minutes. If the Council consents thereto, such statement shall be entered in the minutes.
- (e) Synopsis of debate—when entered in minutes. The Clerk/Treasurer may be directed by the Presiding Officer, with consent of the Council, to enter in the minutes a synopsis of the discussion on any question coming regularly before the Council.

Section 2-1206. Addressing the Council

- (a) Any person desiring to address the Council shall first secure the permission of the Presiding Officer to do so; provided however that a person may address the Council before a motion is made without securing such prior permission under the following circumstances:
 - (1) Written Communications. Interested parties or their authorized representatives may address the Council by written communications in regard to matter then under discussion.
 - (2) Oral Communications. Taxpayers or residents of the town, or their authorized legal representatives, may address the Council by oral communications on any matter concerning town business, or any matter over which the Council has control; provided, however, that preference shall be given to those persons who may have notified the Clerk/Treasurer in advance of their desire to speak in order that the same may appear on the agenda of the Council.
- (b) After a motion is made by the Council no person shall address the Council without first securing the permission of the Presiding Officer to do so.

Section 2-1207. Manner of Addressing Council

Each person addressing the Council shall step up to the table, shall give his name and address in an audible tone of voice for the records, and unless further time is granted by the Council, shall limit his address to five minutes. All remarks shall be addressed to the Council as a body and not to any member thereof. No person, other than the Council and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the Council, without the permission of the Presiding Officer. No question shall be asked a Council member except through the Presiding Officer. The foregoing shall apply to members of the Council or the President.

Section 2-1208. Member Conduct

While the Council is in session a member shall neither by conversation or otherwise, delay or interrupt the proceedings or the peace of the Council nor disturb any member while speaking or refuse to obey the orders of the Council or its Presiding Officer, except as otherwise herein provided.

Section 2-1209. Non-Member Conduct

Any person making personal, impertinent, or slanderous remarks or who shall become boisterous while addressing the Council shall be forthwith, by the Presiding Officer, barred from further audience before the Council unless permission to continue be granted by a majority of the Council.

Section 2-1210. Recorded Dissent

Any member shall have the right to have the reasons for his dissent from, or protest against, any action of the Council entered in the minutes.

Section 2-1211. Claims Against the Town

No account or other demand against the town shall be allowed until the same has been considered and reported upon by the Council.

Section 2-1212. Reports and Resolutions

All reports, ordinances, and resolutions shall be filed with the Clerk/Treasurer and entered in the minutes.

Section 2-1213. Adjournment

A motion to adjourn shall always be in order and decided without debate.

Article 2. Commissions and Committees

Title 1. Recreation Commission

Section 2-2101. Created

A Recreation Commission is created and established for the Town of Brunswick. The membership of the Commission, subject to the discretion of the Mayor, shall represent as far as possible the various areas of the Town. The members of the Commission shall serve without compensation.

Section 2-2102. Composition

The Recreation Commission shall consist of fifteen (15) members. Members shall be appointed by the Mayor and shall serve for terms of three (3) years or until their successors are appointed; provided that the members of such Commission first appointed shall be appointed for terms of such length that the terms of five (5) members shall expire on December 31st of each year thereafter. Appointments to fill the places of members whose terms will expire in any year shall be made effective on January 1st of the following year.

Section 2-2103. Vacancies

Vacancies in the Commission, occurring otherwise than by expirations of term, shall be filled by appointment of the Mayor for the unexpired portion of the term of the person formerly holding the office.

Section 2-2104. Officers

The members of the Recreation Commission shall elect their own Chairman and Secretary and all other necessary officers at their first meeting in each calendar year. All officers shall serve for a period of one year.

Section 2-2105. Functions

The Recreation Commission shall have the authority and duty to make recommendations to the Mayor and Council concerning the supervision and operation of the playgrounds, swimming pools, and all other recreation facilities and activities maintained or conducted, or proposed to be maintained or conducted by the Town.

Title 2. Industrial Development Commission

Section 2-2201. Created

An Industrial Development Commission is created for the Town of Brunswick. The membership of the Commission, subject to the discretion of the Mayor, shall represent as comprehensively as possible the various areas of the Town. The members of the Commission shall serve without compensation.

Section 2-2202. Composition

The Industrial Development Commission shall consist of five (5) members. Members shall be appointed by the Mayor and shall serve for four (4) years, their terms to coincide with the four (4) year term of the Mayor.

Section 2-2203. Vacancies

Vacancies in the Commission, occurring otherwise than by expiration of a term, shall be filled by appointment of the Mayor for the unexpired portion of the term of the person formerly holding the office.

Section 2-2204. Officers

The members of the Industrial Development Commission shall elect their own Chairman and Secretary and all other necessary officers at their first meeting in each calendar year. All officers shall serve for a period of one year.

Section 2-2205. Functions

The Industrial Development Commission shall have the authority and duty to make recommendations to the Mayor and Council ascertaining the need for industrial development in the community, based on present employment conditions, and to see additional industrial expansion, commensurate with the economic and material resources of the community.

Title 3. Planning and Zoning Commission

Section 2-2301. Created

A Planning Commission is created for the Town of Brunswick and shall be referred to as the “Commission”. Its territorial jurisdiction shall extend over the incorporated area of the Town of Brunswick.

Section 2-2302. Membership

The Commission shall consist of five (5) members and one (1) alternate appointed by the Mayor with approval of the Council, each to serve for five (5) years, or until his successor takes office, except that the term of members first appointed are staggered such that the first person appointed serves for one year, the second appointed for two years, the third appointed serves for three years, the fourth appointed for four years and the fifth member appointed serves a term of five years. All members shall be eligible for reappointment.

Section 2-2303. Compensation

All members shall serve with such compensation as the Mayor and Town Council deem appropriate, and may be removed by the Mayor and Town Council for inefficiency, neglect of duty or malfeasance in office.

Section 2-2304. Functions

The Commission shall have the powers, functions and duties provided for in Article 66 B, Section 3.01 of the Annotated Code of Maryland (1973 Edition).

Title 4. Joint Committee on Municipal Property

Section 2-2401. Created

A Joint Committee on Municipal Property is created for the Town of Brunswick.

Section 2-2402. Composition

The Joint Committee shall be composed of the following persons:

- (1) A member of the Town Council whose appointment shall be for four (4) years or until his term as councilman shall expire. Such person shall be appointed by the Mayor with the approval of the Town Council, and shall serve as Chairman of the Committee.
- (2) The Chairman of the Brunswick Planning and Zoning Commission.
- (3) The Chairman of the Council Committee on Parks.
- (4) The Chairman of the Recreation Commission.
- (5) The City Engineer.

Section 2-2403. Functions

The Joint Committee on Municipal Property shall give its opinion to the Mayor and Town Council on the suitability of all tracts or parcels of land offered by developers or others to the Town of Brunswick. Such suitability shall be determined as follows:

- (1) Whether the parcel offered is of sufficient size to be used for a park or playground for public use, giving consideration to, but not limited to, its location, size, topography, construction costs and maintenance costs.
- (2) When a small tract or parcel of land is offered the offer may be accepted contingent on the acceptance by an adjacent property owner of a long-term lease with the Town of Brunswick for a sufficient quantity of land to utilize with the land being offered.

Section 2-2404. Proceedings

The Mayor and Town Council shall furnish a stenographer to the Joint Committee on Municipal Property to record all proceedings Municipal Property to record all proceedings and recommendations. The recommendations shall be forwarded to the Brunswick Planning and Zoning Commission, which shall, upon approval, advise the donor of the land or any property owner with whom the Town of Brunswick shall enter into a long-term lease, and the plat of the

premises or subdivision, as the case may be, shall be amended accordingly. After approval of the revised plat it shall be submitted to the Mayor and Town Council for final approval.

Article 3. Code of Ethics

Title 1. General Provisions

Section 2-3101. Applicability

The provisions of this Article apply to all Brunswick officials, employees, and members of boards and commissions.

Section 2-3102. Definitions

For the purpose of this Article, the following words, terms, phrases, and their derivations shall have the meaning given herein. The word “shall” is always mandatory and not merely directory.

Commission. The Ethics Commission is described at Section 2-3401.

Department Head. The Town employee directly in charge of the Brunswick Police Department and the Town employee directly in charge of the Brunswick Public Works Department.

Town. The municipal corporation known as “The Council of Brunswick” which constitutes the government of the Town of Brunswick, Maryland.

Town Employee. A person employed by the Town on a full-time basis, rather than a part-time or consulting basis.

Town Inspector. The Town’s building inspector, harbormaster, health officer, and zoning inspector.

Town Official. Persons elected or appointed as a member of the Town Council of Brunswick.

Title 2. Conflicts of Interest

Section 2-3201. Prohibitions

Town officials and employees to whom this Article is applicable shall not:

- (a) Participate on behalf of the Town in any matter which would, to their knowledge, have a direct financial impact, as distinguished from the public generally, on them, their spouse or dependent child, or a business entity with which they are affiliated.

- (b) Hold or acquire an interest of either \$7,500 or 20% or greater in a business entity that has or is negotiating a contract of \$5,000 or more with the Town or is regulated by their agency, except as exempted by the Commission where the interest is disclosed pursuant to Section 2-3402 of this Article.
- (c) Be employed by a business entity that has or is negotiating a contract of more than \$5,000 with the Town or is regulated by their agency, except as exempted by the Commission pursuant to Section 2-3402 of this Article.
- (d) Hold any outside employment relationship that would impair their impartiality or independence of judgment.
- (e) Represent any party, for a contingent fee, before any Town body.
- (f) Within one (1) year following termination of Town service, act as a compensated representative of another in connection with any specific matter in which he participated substantially as a Town official or employee.
- (g) Solicit any gift or accept gifts of greater than \$100 in value, from any person that has or is negotiating a contract with the Town or is regulated by their agency, except when these gifts would not present a conflict of interest as determined by the Commission. For the purposes of this Section, gift includes the transfer of anything of economic value, regardless of form without adequate and lawful consideration.
- (h) Use the prestige of their office for their benefit or that of another.
- (i) Use confidential information acquired in their official Town position for their own benefit or that of another.

Title 3. Disclosure Requirements

Section 2-3301. Financial Disclosure

- (a) The Town officials and employees to whom this Article is applicable shall file annually not later than January 31 of each calendar year during which they hold office, a statement with the Commission disclosing any gifts received during the preceding calendar year from any person having a contract with the Town or any person regulated by their agency. The statement shall identify the donor of the gift and its approximate retail value at the time of receipt.
- (b) Candidates for elective offices listed in Paragraph (c) of this Section shall file statements consistent with the requirements of Subsection (a) of this Section at the time that they must file their Certificate of Candidacy.

- (c) Officials and employees required to file:
 - (1) All elected officials (Mayor and Commissioners)
 - (2) Department Heads
 - (3) Administrative Assistant, Treasurer, Clerk/Secretary, and Assistant Clerk/Secretary
 - (4) Members of all boards and commissions
- (c) All Town officials and employees or candidates for elective office to positions subject to this Section shall file a statement with the Commission disclosing any interest or employment the holding of which would require disqualification from participation pursuant to Section 2-3201 of this Article, sufficiently in advance of any anticipated action to allow adequate disclosure to the public.
- (d) Disclosure statements filed pursuant to this Section shall be maintained by the Commission as public records available for public inspection and copying.

Section 2-3302. Lobbying Disclosure

- (a) Any person who personally appears before any Town official or employee with the intent to influence that person in the performance of his official duties and who, in connection with such intent, expends or reasonably expects to expend in any given calendar year in excess of \$100 on food, entertainment or other gifts for such official or employee, shall file a registration statement with the Commission not later than January 15th of the calendar year or within 5 days after first making these appearances.
- (b) The registration statement shall include complete identification of the registrant and of any other person on whose behalf the registrant acts. It shall also identify the subject matter on which the registrant proposes to make these appearances.
- (c) Registrants under this Section shall file a report within 30 days after the end of any calendar year during which they were registered, disclosing the value, date, and nature of any food, entertainment, or other gift provided to a Town official or employee. When a gift or a series of gifts to a single official or employee exceeds \$100 in value, the official or employee shall also be identified.
- (d) The registrations and reports filed pursuant to this Section shall be maintained by the Commission as public records available for public inspection and copying.

Title 4. Enforcement

Section 2-3401. Ethics Commission

There shall be a Town Ethics Commission which shall be composed of three members who shall be appointed by the Mayor. The Commission shall be advised by the Town Attorney and shall have the following responsibilities:

- (a) To devise, receive and maintain all forms generated by this Article;
- (b) To provide published advisory opinions to persons subject to this Article as to the applicability of the provisions of this Article to them;
- (c) To process and make determinations as to complaints filed by any person alleging violations of this Article; and
- (d) To conduct a public information program regarding the purposes and application of this Article.

Section 2-3402. Exemptions and Modifications

The Commission may grant exemptions and modifications to the provisions of Sections 2-3301 and 2-3302 of this Article if it determines that application of those provisions would:

- (a) Constitute an unreasonable invasion of privacy.
- (b) Significantly reduce the availability of qualified persons for public service; and
- (c) Not be required to preserve the purposes of this Article.

Section 2-3403. Cease and Desist Orders

The Commission may issue a cease and desist order against any person found to be in violation of this Article and may seek enforcement of this order in the Circuit Court of Frederick County.

Section 2-3404. Disciplinary Action

A Town official or employee found to have violated this Article may be subject to disciplinary or other appropriate personnel action, including suspension of salary or other compensation.

Article 4. Personnel

Title 1. General Provisions

Section 2-4101. Business Hours

The Clerk/Treasurer shall keep his office open for business at such times, upon such days, and during such hours, as may be from time to time designated by the Mayor and Council; that, in addition to such duties as may be prescribed by the Town Charter and this Ordinance the Town Clerk/Treasurer shall attend all regular and special meetings of the Mayor and Council.

Section 2-4102. Interdepartmental Assignments

In the interest of economy and efficiency, the Mayor shall have the authority to employ personnel in dual capacities on an interdepartmental basis if such employment shall be deemed necessary.

Section 2-4103. Rules and Regulations

Mayor and Council may from time to time make such rules and regulations as they may deem necessary for the employment of all persons employed by the Town.

Section 2-4104. Dismissal of Employees

Any employee may be dismissed by the Mayor and Council for misconduct in the performance of their duties, including the violation of the orders of the Mayor and Council or of supervisory personnel; and for the use of intoxicants and/or drugs during their hours of employment and performance of their duties as employees of the Mayor and Council of Brunswick.

Section 2-4105. Benefits

The Mayor and Council of Brunswick shall provide for workmen's compensation insurance, as well as for Social Security, retirement benefits, group life insurance and hospitalization benefits for all of their employees, as well as for such other benefits as the Mayor and Council may from time to time specifically decide.

Section 2-4106. Surety Bond

The Town Clerk/Treasurer, and such assistant or assistants as he may have from time to time, shall, in addition to any requirements imposed by the Town Charter, a corporate fidelity or public official bond with surety or sureties to be approved by the Mayor and Council covering such case and/or securities as he or she may have under his or her control from time to time; that said bond shall be in a sum not to be less than Twenty Thousand Dollars (\$20,000)

and to be in such penalty as may be provided from time to time by the Mayor and Council who shall pay all of the premiums required thereon.

Title 2. Authorized Positions

Section 2-4201. Plan of Organization

The Town Council reserves the right to add or abolish positions with the plan of organization as may be necessary to carry forth the intent and purpose of this Code.

REVISOR'S NOTE: See Article V of the Municipal Charter of Brunswick for a description of the powers and duties of the following personnel: Clerk/Treasurer, Auditor, Chief of Police, Assistant Chief of Police. See Section 16-31 of the Municipal Charter of Brunswick for the authority to appoint both the aforesaid personnel and the following additional personnel: attorney, general superintendent, and town engineer.

Section 2-4202. Assistant Clerk/Treasurer

An Assistant Clerk/Treasurer, who shall be a full-time employee only, may be employed by the Mayor and Council with such qualification for employment and salary as may be from time to time established by the Council.

Section 2-4203. General Superintendent

A General Superintendent shall be employed whose duty it shall be to supervise the maintenance of all Town equipment, parks, buildings, streets, water and sewer lines and such other matters, duties, and things, as may be from time to time prescribed by the Mayor and Council; such General Superintendent shall be responsible to the Mayor, or to such person or persons as from time to time the Mayor may designate, for all actions taken by him in his capacity as General Superintendent; and the General Superintendent shall be governed by a working agreement and by such rules and regulations as may be from time to time provided for by the Mayor and Council.

Section 2-4204. Laborers

All laborers employed by the General Superintendent shall be only employed by him after having first had the advice and consent of the Mayor and Council and shall, upon their employment, be under the direct control and supervision of the General Superintendent.

TOWN OF BRUNSWICK CODE OF ORDINANCES

CHAPTER 3. PROPERTY REGULATIONS

ARTICLE 1. PRIVATE RESPONSIBILITIES; SECTIONS 3-1101 TO 3-1208

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CHAPTER 3

PROPERTY REGULATIONS

Article 1. Private Responsibilities

Title 1. Property Maintenance

Section 3-1101. Definitions

Disabled or Inoperative Vehicle. Any motor vehicle remaining in one place for ten (10) days or more and subject to any one or more of the following conditions:

- (a) It has no engine or transmission;
- (b) It has two or more flat tires;
- (c) One or more windows are missing or broken;
- (d) It has become a breeding place for insects, snakes, rats, or other vermin.

Garbage. All organic waste, consisting of the residue of animal, fruit, or vegetable matter, resulting from the preparation, cooking, handling, or storage of food, exclusive of human or animal feces.

Hazardous Material. Any substance or material in a quantity or form that may pose an unreasonable risk to health and safety of property, including any material designated by the U.S. Department of Transportation as belonging to a hazard class, and including any explosive, flammable substance, corrosive substance, or radioactive substance.

Historic Vehicle. Any vehicle that meets the definition of historic vehicle under State law, including any vehicle that: (i) is 25 years or older and has not been substantially altered from the manufacturer's original design, or (ii) has a unique interest or historic value including makes of motor vehicles no longer manufactured and models of motor vehicles produced in limited or token quantities and no longer manufactured.

Junk Vehicle. Any automobile, truck, van or other motor vehicle which:

- (a) Is unregistered or unlicensed;
- (b) Displays tags assigned to another vehicle; or
- (c) Is disabled or inoperable.

Litter. All rubbish, waste matter, ashes, refuse, garbage, trash, debris, dead animals, or other discarded, hazardous or toxic materials of every kind and description.

Refuse. Garbage, rubbish, junk, industrial waste, dead animals, and all other solid waste materials, including salvable waste.

Rubbish. All refuse other than garbage, whether combustible or noncombustible, including but not limited to the following: rubbish from building construction or reconstruction, dead trees, uprooted tree stumps, slash, rubble, street refuse, abandoned automobiles, machinery, bottles, cans, waste paper, cardboard, sawdust piles, slash from sawmill operations, and all other waste material.

Structure. That which is built or constructed, including without limitation buildings for any occupancy or use whatsoever, fences, signs, billboards, fire escapes, stairways, chute escapes, railings, water tanks, towers, open grade steps, sidewalk tents or anything erected and framed of component parts which is fastened, anchored or rests on a permanent foundation or on the ground.

Toxic Material. Any substance that can be poisonous if inhaled, swallowed, or absorbed into the body through cuts, breaks in the skin, ingestion, or bodily contact.

Weeds or Grass. All bushes, hedges, shrubs, grasses, poison oak, poison ivy or any other non-cultivated vegetation which attains a noxious or dangerous condition upon growth or accumulation so as to constitute a menace to public health or a fire hazard. A generalized growth of grasses, poison oak, poison ivy or other non-cultivated vegetation exceeding a height of twelve (12) inches is presumptively a noxious and dangerous condition. A generalized growth of bushes, hedges and shrubs extending into the vertical plane of any public way or abutting premises is presumptively a noxious and dangerous condition. Not included within this definition are trees, flowers, garden vegetables, compost piles or any plant necessary for soil stabilization purposes.

Yard. An open unoccupied space on the same lot with a building.

Section 3-1102. Dwelling Units

It shall be unlawful for the owner of a dwelling unit or his designated agent or lessee to fail to maintain the structure and its exit ways in a safe and sanitary condition at all times. Every dwelling shall be kept sanitary, clean and free from any accumulation of rubbish, garbage or similar matter, and shall be kept free from vermin or rodent infestation. It shall be the duty of each occupant of the dwelling unit to keep in a clean condition that portion of the property which he occupies or over which he has exclusive control.

Section 3-1103. Yards

It shall be unlawful for the owner of a yard or his designated agent or lessee to fail to maintain the yard free from all unsafe, hazardous or unsanitary conditions. Every yard shall be kept sanitary, clean and free from any accumulation of rubbish, garbage, refuse, and hazardous or toxic material.

Section 3-1104. Vacant Structures and Land

All vacant structures and premises thereof or vacant land shall be maintained by the owners free from an overgrowth of weeds and grass and in a clean, safe, secure, and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

Section 3-1105. Overgrowth

It shall be unlawful for any occupant or lessee of property, or the owner of property in the event that such property is unoccupied, to fail to cut down and remove any weeds or grass exceeding a height of twelve (12) inches within one hundred (100) feet of any residential or commercial lot within the Town of Brunswick.

Section 3-1106. Littering

- (a) It shall be unlawful for any person or persons to dump, deposit, throw, or leave, or to cause or permit the dumping, depositing, placing, throwing, or leaving of litter on any public or private property in this Town, unless:
 - (1) Such property is designated by the Town Council for the disposal of such litter, and such person is authorized by the Town Council to use such property;
 - (2) Such litter is placed into a litter receptacle or container installed on such property;
 - (3) Such person is the owner or tenant in lawful possession of such property, or has first obtained written consent or is under the personal direction of the owner or tenant in lawful possession, and the act is done in a manner consistent with the provisions of this Article.
- (b) Leaves deposited upon the sidewalk or street pending their removal as prescribed by the Town Council are exceptions to this Section.

REVISOR'S NOTE: For State laws which govern littering, see Section 468 (Litter Control Law), Article 27, Annotated Code of Maryland. Section 468(b) provides that:

“It is the intention of the legislature by this section to provide for uniform prohibition throughout the State of Maryland of any and all littering on public or private property and to curb thereby the desecration of the beauty of the State and harm to the health, welfare and safety of its citizens caused by individuals who litter. However, to permit more active enforcement of littering prohibitions within a municipality, the legislative body of a municipality may prohibit littering, as does this section, and classify littering as a municipal infraction under Article 23A, Section 3(b) of the Code (emphasis supplied).”

Section 3-1107. Junk Vehicles

- (a) It shall be unlawful for anyone to have, possess, store or maintain a junk vehicle upon any property, whether public or private, within the corporate limits of the Town of Brunswick, unless such vehicle or vehicles are housed or stored in a completely enclosed building, provided, that one such vehicle may be stored on a lot of record if it is completely covered by a waterproof, opaque cover securely fastened in place.
- (b) The provisions of this Section are not applicable in the I-1 (Heavy Commercial—Light Industrial), B-2 (Central Business), and HS (Highway Service) zoning districts in conjunction with automobile assembly, major repair, new and used auto sales, service station or repair shop uses.

REVISOR’S NOTE: For county law related to inoperative motor vehicles, see Section 1-11-4, Frederick County Code, 1979. Section 1-11-4 provides that:

“On any parcel of property in Frederick County, Maryland, it is hereby declared to be a nuisance and a danger to the public health, safety and welfare for any contaminated water, filth, garbage, rubbish, including but not limited to, any inoperative motor vehicle and any abandoned or discarded appliances, including but not limited to, stoves, refrigerators, freezers and the like, or any offensive or deleterious matter to be and remain on any premises which is subject to this section in the county.”

Section 3-1108. Historic Vehicles

A junk vehicle which also meets the definition of an historic vehicle may be parked or maintained within the Town of Brunswick, without being housed or stored in a completely enclosed building, if placed behind the front building line and protected by a tight-fitting, weatherproof covering. For purposes of this code a carport does not constitute the required covering.

Section 3-1109. Vehicle Repairs

The repairing, servicing, replacement of parts, or the performance of maintenance work on a vehicle on a public street is prohibited unless completed within one (1) day after their commencement, or within ten (10) days if outside of an enclosed building on any private premises, and thereafter the vehicle upon which the repairs are made is legally operable upon any public street or highway.

Section 3-1110. Municipal Infractions

Any violation of the provisions of this Article 1 shall be a municipal infraction as enumerated at Section 7-2202.

Title 2. Animal Control

Section 3-1201. Prohibited Animals

It shall be unlawful for any person to have in his possession within the Town limits any animal which, by barking, howling or in any other manner, disturbs the peace, order and quiet of the Town, or which has bitten or attempted to bite any person.

Section 3-1202. Livestock

It shall be unlawful for any person to maintain any pen, sty or any other enclosure for the maintenance of livestock, including hogs, pigs, chickens, sheep, cattle, horses, goats, or more than two (2) rabbits.

Section 3-1203. Horses

All horses shall be kept under the immediate custody and control of the owner or person in possession at all times, and no horse shall be allowed to stand upon any street, highway, alley or public place without being under such control.

Section 3-1204. Adoption of County Animal Regulations

There is hereby adopted by the Town of Brunswick, for the purpose of establishing rules and regulations for control of animals, including County license requirements and penalties, the provision of Chapter 1-5 (Animals and Fowl), Frederick County Code, 1979 as amended, save and except such portions as are deleted, modified, or amended by this Title, of which one copy shall remain on file in the Town Hall, and the same is incorporated as fully as if set out at length herein.

Section 3-1205. Domesticated Animals

With the exception of dogs which are regulated through Section 3-1204, no domesticated animal shall be permitted to run at large at any time whatsoever within the Town limits. All such animals shall be confined to the property of their owner or the person who has possession or control of such animal by fencing, unless leashed and accompanied by the owner or other person.

Section 3-1206. Impoundment of Animals

With the exception of dogs which are regulated through Section 3-1204, any animal found running at large may be seized and impounded by the Frederick County Animal Control Warden in such place or places as may be provided by Frederick County. In the event the owner or any impounded animal is known, or in the event that any such animal has attached to it a collar or tag from which it may be possible to identify the owner, the Animal Control Warden shall make a diligent effort to notify the owner of such seizure so that the animal can be claimed. Every animal impounded under the provisions of this Section shall be kept for a

period of 5 calendar days from the time it is seized, or in the event that the owner is known or identified from a collar or tag, 5 days from the time of the notification of the owner. If any such animal is not claimed, and all service and redemption charges incident to the confinement have not been paid, within the 5-day period provided above, such animal shall be disposed of in the manner provided by Frederick County regulations.

Section 3-1207. Animal Waste

No owner or other person who has possession or control of a dog, domestic pet or other animal shall permit its feces to remain upon or adjacent to any of the streets, sidewalks or parks or in any public place within the boundaries of the Town of Brunswick. The owner or other person who has possession or control of a dog, domestic pet or other animal which deposits its feces upon or adjacent to any of the streets, sidewalks or parks or in any public place within the boundaries of the Town of Brunswick shall immediately remove the feces therefrom or shall immediately cause the feces to be removed therefrom.

Section 3-1308. Municipal Infractions

Any violation of the provisions of Sections 3-1201, 3-1203, and 3-1207 shall be a municipal infraction as enumerated at Section 7-2202.

Article 2. Public Responsibilities

Title 1. Collection and Removal of Refuse

Section 3-2101. Definitions

Animal. All dead animals, fowls and parts thereof, except bovine animals, hogs and animals of the horse kind which die on private property.

Garbage. Wood, coal or other plant derivatives which have been decomposed by combustion.

Miscellaneous Refuse. Broken glass, chinaware, grass, paper, rags, clothing, rubbish, and other debris.

Section 3-2102. Authority of Mayor and Council

- (a) The Mayor and Council shall regulate and control the collection, removal and disposal of all refuse, including garbage, miscellaneous refuse, ashes and dead animals from dwellings and other places within the Town of Brunswick.
- (b) The Mayor and Council may enter into such annual agreements or contracts, including agreements or contracts with any corporation, partnership, person, political subdivision or public authority, to cause or provide for the collection, removal and/or disposal of all refuse.

- (c) The Mayor and Council may employ personnel and trash collection vehicles for the collection, removal and/or disposal of all refuse.
- (d) The Mayor and Council shall have approval and inspection authority over the location, condition and use of any final place of deposit, may issue permits for the use of dumping facilities, and may establish or contract for the use of a dumping facility.
- (e) The Mayor may, in an emergency, extend the hours of scheduled refuse collection.
- (f) The Mayor and Council may change the days and hours of refuse collection by advertising, in a newspaper of general circulation in the Town, a 2-week advance notice of any change of schedule.
- (g) The Mayor and Council may sell garbage collected within the Town and retain the proceeds of any such sale.
- (h) The Mayor and Council may establish and levy such fees as may be necessary to achieve the purposes of this Title, including, but not limited to, fees for the collection, removal and disposal of any refuse generated by businesses located within the Town.
- (i) The Mayor and Council may require that refuse of an animal or vegetable nature be separated from all other refuse and deposited, collected, removed and disposed separately.
- (j) The Mayor or the Mayor's designee may enforce all prohibitions and standards set forth in this Title and in Article 1, Title 1 of this Chapter including, but not limited to, any action to remove or cause the removal, at the expense of the owner, of any garbage, refuse, rubbish, litter, junk vehicle, weeds or grass improperly maintained upon failure to remove within ten (10) days of a written notice of violation delivered to and posted at the address of the violation; such expense shall be billed to the owner, and if unpaid within thirty (30) days, such expense shall be recorded and indexed on the tax rolls and thereupon shall be a charge, until paid, levied upon the real property against which the removal charges have been made, and shall be collectible by a suit at law or by the same manner as delinquent municipal corporation taxes or charges levied against the property.

REVISOR'S NOTE: See Section 14-809 et seq. of the Tax-Property Article, Annotated Code of Maryland. If the County Tax Collector fails to institute tax sale procedures within 30 days of notice from the municipal tax collector, a municipality may use the provisions and procedures of Subtitle 8, Title 14 of the Tax-Property Article to sell a property for unpaid municipal incorporation taxes or charges. Also see Section 2(b)(33)(ii) and Section 2(b)(17) of Article 23A, Annotated Code of Maryland for municipal authority to establish reasonable

charges against real property in the exercise of a governmental function authorized by law. Such charges may be recorded as a lien and collected as a municipal tax, subject to the limitations imposed by the Tax-Property Article of the Annotated Code of Maryland.

Section 3-2103. Prohibitions—Occupant

It shall be a violation of this Title to:

- (a) Deposit garbage for collection from a single dwelling in quantities of more than five (5) bushels on any single collection day.
- (b) Fail to keep refuse containers in a sanitary condition.
- (c) Fail to secure refuse containers in an enclosed area on days not scheduled for collection.
- (d) Fail to secure refuse containers with tight fitting lids.
- (e) Deposit refuse for collection in containers exceeding 24 gallons.
- (f) Fail to bag, box or otherwise wrap garbage, sweeper dust, small scraps, grass, leaves, hedge clippings or other plant substances before placing in or alongside refuse containers.
- (g) Fail to reduce for collection tree trimmings, boxes and other oversize materials to tied bundles not exceeding a length of four (4) feet and a diameter of two (2) feet.
- (h) With the exception of deposits from storm drain inlets and street sweepings piled and placed by occupants onto a street or alley, deposit refuse for collection in or over the curb lines of a public street or alley.

Section 3-2104. Prohibitions—Refuse Collectors

It shall be a violation of this Title to:

- (a) Collect and remove garbage in a manner prejudicial to health.
- (b) Park or otherwise leave unattended within the Town any vehicle containing refuse and regularly used for hauling or transporting refuse for any period of time in excess of what is necessary for the loading or unloading of such vehicle.
- (c) Fail to remove and dispose of any dead animal found lying on a public street or alley.
- (d) Fail to immediately remove and clean up spillage onto the streets or sidewalks.

- (e) Fail to collect refuse, including street sweepings and deposits from storm drain inlets, properly deposited for collection.
- (f) Overload within the Town any vehicle used for hauling or transporting refuse.
- (g) Fail to maintain any vehicle in a sanitary and non-offensive condition while parked within or while hauling or transporting refuse within the Town.

Section 3-2105. Collection Schedule

All refuse shall be collected and removed between the hours of 7:00 a.m. and 4:00 p.m. A full schedule and route description shall be maintained and posted at the Town Hall by the Town Clerk/Treasurer.

Section 3-2106. Special Pick-Ups

Oversized articles including, but not limited to, furniture, mattresses, appliances and bicycles, may be collected for disposal only upon arrangement for a special pick-up; residents must make special pick-up arrangements with Town Hall. A regular bulk pick-up shall be scheduled once quarterly with such a schedule maintained and posted at Town Hall by the Town Clerk/Treasurer.

Section 3-2107. Fees and Charges

The charge for any permit issued under the provisions of this Title shall be payable in advance; all other charges shall be billed and shall become due and payable within 30 days of the date of billing.

Section 3-2108. Agreements and Contracts

All agreements and contracts to collect, remove and/or dispose of refuse from the Town Hall shall require the vendor to:

- (a) Comply with the Town of Brunswick Code of Ordinances, all other applicable ordinances and resolutions enacted by the Mayor and Council, applicable state and federal statutes and regulations, and any lawfully issued Town, state or federal order.
- (b) Assign to the Mayor and Council of Brunswick an acceptable performance surety bond, or some other form of performance security acceptable to the Mayor and Council, in the amount of One Thousand Dollars (\$1,000).
- (c) Carry liability, property damage and workers compensation insurance policies covering its agents, employees, vehicles and equipment, and issued by insurance carriers and in amounts acceptable to the Mayor and Council.

- (d) Hold the Mayor and Council of Brunswick harmless from claims, and the defense of such claims, consequent or incident to the acts or omissions of any of the vendor's agents, employees, vehicles or equipment.
- (e) Utilize vehicles equipped with standard garbage and refuse bodies, arched covers and sliding doors constructed of not less than 12 gauge steel and designed to prevent spillage.
- (f) Collect, remove and dispose of refuse in accordance with a written statement of service, approved by the Mayor and Council, failure of which to perform would entitle the Mayor and Council of Brunswick to remove or cause to be removed such refuse, with the cost of such removal to be deducted from any money due the vendor by the Mayor and Council of Brunswick, to declare the contract at an end, to discharge the vendor, to retain any sums due the contractor for any loss the Mayor and Council may sustain, to employ another vendor or vendors for the remainder of the term, or to do the work by employees of the Mayor and Council of Brunswick, and to enter suit upon the surety bond or other accepted performance security of the vendor for any loss or damage which the Mayor and Council of Brunswick may have.
- (g) Provide in writing prior notice of not less than thirty days of any intent to discontinue service for any cause, except for nonpayment of service charges; a copy of such notice shall be sent to the Mayor and Council.
- (h) Provide alternate service within forty-eight (48) hours in the event of mishap or breakdown of regular equipment, or if collection service is missed for any reason.

Section 3-2109. Municipal Infractions

Any violation of the provisions of this Title 1 shall be a municipal infraction as enumerated at Section 7-2202.

Title 2. Town Properties

Section 3-2201. Sidewalks and Curbing—Construction Specifications

It shall be unlawful for any person to construct public sidewalks or curbing not in conformance to the provisions of this Section. The width of a sidewalk shall be proportioned to the width of the street, but no sidewalk shall be less than four feet in width. No curbing shall be less than five (5) inches wide and eighteen (18) inches deep; the ends thereof shall be straight and the upper edges level to the sidewalk. All sidewalks and curbings shall be constructed of first class concrete or such other material as may be approved by the Superintendent of Public Works.

REVISOR'S NOTE: See Article X (Streets, Sidewalks and Improvements) of the Municipal Charter of Brunswick for provisions regarding procedures for authorizing and assessing the costs of Town installed improvements.

Section 3-2202. Sidewalks and Curbing—Maintenance

It shall be the duty and obligation of the owner of property abutting a sidewalk in a public right-of-way to maintain the abutting sidewalk, driveway apron, and sod in such a condition as to be safe for public use.

Section 3-2203. Damage to Public Property

Any person, firm or entity engaged in any construction or other work, including work performed under an approved site plan or under a Zoning Certificate issued by the City, shall be liable to the City for any damage caused to public streets, roads, alleys, curbs, gutters, signs, lights, utilities or other public property which results from or is caused by such work. The person, firm or entity shall clear, clean and remove any mud, dirt, pollutants or other foreign material which it tracks or deposits onto the public ways or other public property in the conduct of such work and shall make such repairs and clean and clear such areas as are requested by the City. In the event of the failure or refusal of such person, firm or entity to timely comply with such request, the City shall be entitled to obtain and utilize any funds, accounts or other guaranty of performance which may have been furnished by the person, firm or entity to or for the benefit of the City. The right to use such funds, accounts or guaranty shall not preclude the City from any other remedy it may have available to it, in law or in equity, and the person, firm or entity shall be and remain liable to the City for any failure to comply with the requirements of this section.

TOWN OF BRUNSWICK CODE OF ORDINANCES

CHAPTER 4. BUILDING AND ENVIRONMENTAL REGULATIONS

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CHAPTER 4

BUILDING AND ENVIRONMENTAL REGULATIONS

Article 1. Construction

Title 1. Building Permits

Section 4-1101. Adoption of County Building Code

There is hereby adopted by the Town of Brunswick, for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and structural safety of buildings and structures, including permits and penalties, the provisions of Article II (Building Code), Chapter 1-6, Frederick County Code, 1979 as amended, save and except such portions as are hereinafter deleted, modified or amended, of which one copy shall remain on file in the Town Hall, and the same is incorporated as fully as if set out at length herein.

REVISOR'S NOTE: Frederick County has adopted, with revisions and amendments, the BOCA Basic National Building Code, 1984, ninth edition. By reference, Article II, Chapter 1-6 requires compliance with the Frederick County Electrical Code (Article III, Chapter 1-7), the Frederick County Plumbing Code (Article IV, Chapter 1-14), the BOCA One and Two Family Dwelling Code, 1983 to be used in interpreting the requirements of the basic code as they pertain to one and two family dwellings, the mechanical code at Appendix B of the BOCA Basic National Building Code for public bath, laundry and toilet room mechanical ventilation systems, and the BOCA Basic Energy Conservation Code, 1984 for energy conservation standards.

Section 4-1102. Adoption of State Non-Tidal Water and Floodplain Construction Regulations

There is hereby adopted by the Town of Brunswick, for the purpose of recognizing the authority of the Maryland Department of Natural Resources to regulate and issue permits for construction on non-tidal waters and floodplains, the certain regulations published as COMAR 08.05.03.01-.11, as amended, of which one copy shall remain on file in the Town Hall, and the same is incorporated as fully as if set out at length herein.

Title 2. Unsafe Buildings

Section 4-1201. Adoption of County Abatement of Unsafe Building Requirements

There is hereby adopted by the Town of Brunswick, for the purpose of establishing rules and regulations to permit the Frederick County Director of the Department of Permits and Inspections to order the repair or demolition of buildings which present a fire or safety hazard or which have been unlawfully constructed or altered or repaired, including abatement orders and penalties, the provisions of Article II (Unsafe Buildings), Chapter 2-4, Frederick County

Code, 1979, as amended, save and except such portions as are hereinafter deleted, modified or amended, of which one copy shall remain on file in the Town Hall, and the same is incorporated as fully as if set out at length herein.

Section 4-1202. County Notification of Mayor

A copy of any abatement order issued by the County Director of Permits and Inspections, pursuant to Section 4-1201 regarding a property within the Town of Brunswick, shall be mailed to the Mayor of Brunswick.

Section 4-1203. County Held Harmless

The governing body of Frederick County, Maryland and its agents, are held harmless by the Town of Brunswick for actions taken within their scope of authority under Section 4-1201.

Title 3. Environmental Controls

Section 4-1301. Adoption of County Air Quality Control Requirements

There is hereby adopted by the Town of Brunswick, for the purpose of establishing rules and regulations to minimize the creation of smoke and to prevent the nuisance and hazard of air pollution and to protect the health and safety and comfort and property of the people of Brunswick, including permits and penalties, the provisions of Chapter 1-3 (Air Quality Control), Frederick County Code, 1979 as amended, save and except such portions as are hereinafter deleted, modified or amended, of which one copy shall remain on file in the Town Hall, and the same is incorporated as fully as set out at length herein.

Section 4-1302. Air Quality Control Officer

For the purpose of administering certain provisions adopted at Section 4-1301, the Chief of the Brunswick Police Department, the Town Clerk/Treasurer, or a designee of the Mayor shall be the Control Officer. The Control Officer shall receive applications and issue permits, with or without conditions, for open fires.

Section 4-1303. Adoption of County Grading and Sediment Control Requirements

There is hereby adopted by the Town of Brunswick, for the purpose of establishing rules and regulations to protect the natural resources and environmental qualities of the Town, including permits and penalties, the provisions of Chapter 1-10 (Grading and Sediment Control), Frederick County Code, 1979 as amended, save and except such portions as are hereinafter deleted, modified or amended, of which one copy shall remain on file in the Town Hall, and the same is incorporated as fully as if set out at length herein.

REVISOR'S NOTE: Frederick County advises at Section 1-10-62, Frederick County Code, 1979 that the manual "Standards and Specifications for Soil Erosion and Sediment Control in

Developing Areas,” as adopted by the Maryland Water Resources Administration, may be used as a basic design guide for erosion and sediment control measures.

Section 4-1304. Adoption of County Storm Water Management Requirements

There is hereby adopted by the Town of Brunswick, for the purpose of establishing rules and regulations to safeguard life, limb, property, public welfare and environment from the adverse impacts of increased storm water runoff created by changes in land use, including plans certifications and penalties, the provisions of Chapter 1-15.2 (Storm Water Management), Frederick County Code 1979 as amended, save and except such portions as are hereinafter deleted, modified or amended, of which one copy shall remain on file in the Town Hall, and the same is incorporated as fully as if set out at length herein.

Article 2. Water and Sewer

Title 1. Charges

Section 4-2101. Basis for Use Charges

Water and sewer use charges shall be both based upon the amount of water passing through each water connection as measured by water meters owned by the Town of Brunswick. In the event that, and for so long as, any such meter shall be out of order, in need of repair, or for any reason fail to register the consumption of water, use charge shall be equal to the average daily consumption as shown by said meter when the same is in proper working order.

Section 4-2102. Billing

Billing dates for all water and sewer charges shall be semi-annually, on or about 31 March and 30 September of each year. The Town Treasurer shall notify each water and/or sewer services consumer, and the owners of the property charged with such services, of the amounts due.

All amounts due for water and/or sewer services shall be paid by each consumer or owner of property charged with such services within thirty (30) days from the date of the notification of the amount due.

Section 4-2103. Delinquent Payments

- (a) If any water or sewer charges remain unpaid for more than thirty (30) days after the date of the notice of the charge, the Town Treasurer shall give at least ten (10) days notice in writing to the owner of the property served that, unless payment is made in full within ten (10) days, the water and/or sewer service shall be discontinued to the property; a second notice shall be left on the owner’s property or mailed to the last known address of the owner. If payment in full is not made within ten (10) days of the second notice by the Town Treasurer, the Town Treasurer shall inform the Superintendent of Public Works.

- (b) Upon notice from the Town Treasurer that any consumer or property owner is delinquent in the payment of water and sewer charges and has not made payment within ten (10) days of a second notice, the Superintendent of Public Works shall cut off all water services to the premises and shall not restore the water service until he has been notified by the Town Treasurer that all assessed charges, interest and penalty have been paid by the consumer or property owner.
- (c) Delinquent charges shall be subject to the legal rate of interest for delinquent taxes if not paid within sixty (60) days after the date of notice.
- (d) A penalty of ten dollars (\$10.00) shall be collectible for reconnections made after the payment of delinquent charges.

REVISOR'S NOTE: Billing procedures are governed by State law; see Sections 9-724 and 9-725 of the Health-Environmental Article, Annotated Code of Maryland.

Title 2. Connections

Section 4-2201. Water and Sewer Service Applications

Every individual who desires to contract for supply of water within the limits of the Town of Brunswick shall make written application to the Town Treasurer, upon forms prepared by the Mayor and Council, setting forth the description of the property and improvements thereon to be supplied with water and/or sewer services, stating the name and address of the applicant and stating further that the applicant will abide by and observe all applicable State statutes and regulations and ordinances, resolutions and regulations lawfully passed by the Mayor and Council. Any individual who wishes to contract for water and/or sewer service at a new connection shall, when making application for such connection, pay to the Town Treasurer, for each new connection, a connection or tapage fee for such connection, in such amount as the Mayor and Council may from time to time by resolution establish.

Section 4-2202. Water and/or Sewer Service Outside of Town Limits

Any individual who desires to contract for supply of water and/or sewer service outside of the limits of the Town shall make application on the form described in Section 4-2201. The Town Treasurer shall present such application to the Mayor and Council at their first regular meeting after submission of the application. The Mayor and Council shall review the application and, if they deem it appropriate to provide service to the premises of the applicant, they may approve the application. In determining whether or not to approve such application, the Mayor and Council shall consider the availability of service mains to the premises, the adequacy of the water supply as it then exists, the capacity of sewer facilities as it then exists and as it may be affected by the provision of the service sought.

Section 4-2203. Separate Water and Sewer Connection Fees

A separate connection fee shall be charged for each residential unit. In the case of attached residential units, such as townhouses and apartments, a separate connection fee shall be charged for each residential unit and shall be paid at the time of application for such connection. In the case of commercial, industrial and institutional units, a separate connection fee shall be charged for each “equivalent unit,” which term shall refer to the number of fixtures which shall be equivalent to those used by a residential unit, as determined from time to time by the Mayor and Council by resolution.

Section 4-2204. Service Main Connections

The City of Brunswick may, in accordance with the Water and Sewer Rules and Regulations make connections by installing, at the expense of the property owner, a stopcock six (6) inches inside the curb and shall connect the service pipe to be laid by the property owner with the service main at the stopcock at the curb. No person other than by authority of the Superintendent of Public Works shall make any such connection. Connection of sewer service shall be made to a sewer cleanout at the property line to connect the service pipe to be laid by the property owner to the cleanout. In the event that the connection from the main to the property line shall exceed the minimum distance from time to time established by the Mayor and Council by resolution, the property owners shall pay, in addition to the established connection fees, the amount expended by the Mayor and Council to make the extended connection. The cost of the public portion of any extension shall be equitably apportioned among all property owners who shall connect to the extension within five (5) years from the date of completion of the extension. Any such sums paid to the City shall be apportioned and refunded without interest to the persons who initially paid for the installation of the extension of the service main.

Section 4-2205. Distribution Main Extensions for a Single Service Connection

Any extension of the distribution main shall be limited to twenty-five (25) feet for each tap or connection, and any extension in excess of twenty-five (25) feet shall be at the sole expense of the property owner requesting the service; provided, that should the excess extension footage be subsequently utilized for additional taps or connection, then the costs of such excess footage, or applicable portion thereof, shall be apportioned and refunded without interest to the property owner who originally paid for the excess footage, if such excess footage is utilized within five (5) years from the date of its installation, in accordance with the Water and Sewer Rules and Regulations.

Section 4-2206. Minimum Standards for Service Lines

No water service line from the water main to the connection of a property owner shall have a diameter of less than three-fourths (3/4) of an inch. No sewer service pipe of a gravity feed type shall have a diameter of less than four (4) inches. No water service or sewer service pipe utilizing an innovative or non-standard design, size or material shall be employed without advance review and approval by the Superintendent of Public Works.

Section 4-2207. Subdivisions

The developer of a subdivision within the corporate limits of the Town of Brunswick shall construct at his sole expense all sewer and water mains, meters, and all appurtenances thereto according to the specifications of the Mayor and Council. Before connecting to the water and/or sewer mains, the developer shall pay the connection fees established by the Mayor and Council for each residential unit in the subdivision.

Section 4-2208. Repairs or Replacements

Whenever the Mayor and Council shall pave any street or portion thereof, the Superintendent of Public Works shall inspect all water pipes beneath the surface thereof, and, when necessary, he shall repair or replace any sewer or water mains at the expense of the Town. However, in the event that the Superintendent shall find any water service or sewer mains laid by individuals or corporations out of repair or in such bad condition that they should be replaced, he shall repair or replace the same at the expense of the Town, but in all such cases the owners of properties benefited by such repairs or replacements shall be minimally required to pay the established tappage fee for new connections.

REVISOR'S NOTE: If a person lays a new pipe or conduit under any public highway in a municipality in such a manner as not to be in accordance with a plan approved by the municipality, including the approved plan for installation, size, type and location of any pipe or conduit, the municipality shall: (1) Give the person reasonable notice of the violation, and (2) order the person to remove or readjust the pipe or conduit within a time specified in the order; failure to comply with such an order shall be punishable as a misdemeanor. See Section 9-710 of the Health-Environmental Article, Annotated Code of Maryland.

Title 3. Use Regulations

Section 4-2301. Water Bans

The Mayor is hereby authorized and empowered, whenever in his judgment he shall think it necessary for the preservation of the public health and safety, to ban, suspend, curtail and regulate the use of water from the municipal water system for the operation of fountains, bathhouses, swimming pools, coin operated washing machines or the sprinkling of streets, lawns, flowers, shrubbery, gardens and for washing automobiles and other vehicles. Except upon the declaration of an emergency condition, the Mayor shall give notice by publication in a newspaper of general circulation within the Town of Brunswick and the Brunswick service area, to all consumers of water as to any ban, suspension, curtailment or regulation which shall be effective 24 hours after the publication of such notice. All consumers of water services and property owners shall comply with any such ban, suspension, curtailment or regulation.

Section 4-2302. Unnecessary Waste of Water

The Superintendent of Public Works is authorized and empowered to enter and inspect, at any reasonable time, the premises of any consumer of water for the purpose of ascertaining

the number and character of all service connections on such premises and the condition of such connections and, upon probable cause, to investigate whether there is any unnecessary waste of water. In the event that any such unnecessary waste shall be found to result from want of repair in the pipes or other fixtures, the owner and occupier of such premises shall be notified and ordered in writing to have the necessary repairs made forthwith or within a reasonable time specified in the order, and upon neglect or refusal to comply with the order, it shall be the duty of the Superintendent of Public Works to issue a second notice indicating the Town's intent to shut off the water to such premises within 48 hours unless evidence of compliance is sooner presented. No notice shall be required to cut off water supplies to any property using water otherwise than through an authorized user.

Section 4-2303. Stoppages

All stoppages in house connections from any property to the sewer main shall be opened by the Superintendent of Public Works at the property owner's expense. However, if it is determined by the Town Engineer or his representative that the stoppage has been caused by roots or damaged pipe occurring between the sewer main and the property line, the Town shall pay the expense of opening that portion of the connection, provided that the Mayor and Council shall first approve any charges for such work. In the event that, upon the opening of the house connection, it is found necessary to open the street between the sewer main and the property line, such additional work shall be done by, and at the expense of, the Town.

REVISOR'S NOTE: For State laws establishing misdemeanor offenses for certain acts related to the use of water and sewer facilities, see Section 118 (Water Company Meters and Equipment) of Article 27 and Sections 9-709 (Removal of Obstruction) and 9-715 (Right of Entry) of the Health-Environmental Article, Annotated Code of Maryland.

Section 118 provides that, as to property used to supply water, it shall be unlawful

...to wrongfully and maliciously connect, disconnect, tap or interfere or tamper with any of the canals, springs, reservoirs, tunnels, mounds, dams, plugs, mains, pipes, conduits, connections, taps, valves, engines and machinery...or to make any connection with any such canals, springs, reservoirs, tunnels, mounds, dams, plugs, mains, pipes, conduits, connections, taps, valves, engines and machinery, for the purpose of wasting or using such water, or to in any manner tamper with any meters used to register the water consumed, unless such person or persons shall be duly authorized...

Section 9-709 provides that it shall be unlawful to fail to comply with a municipal order to remove "...any structure in, over, or under a public street, road or alley..." which obstructs construction or work on any water main, sewer or drain.

Section 9-715 provides that, at any reasonable time, it shall be unlawful to:

- (1) Refuse to grant entry to any representative of the municipal authority who asks to enter on private property or into a building under this section; or

- (2) Interfere with the carrying out of an official duty of any representative of any municipal authority under this Section.

Section 4-304. Municipal Infractions

Any violation of the provisions of this Article 2 shall be a general municipal infraction.

TOWN OF BRUNSWICK CODE OF ORDINANCES

CHAPTER 5. COMMERCIAL REGULATIONS

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CHAPTER 5

COMMERCIAL REGULATIONS

Article 1. Licenses and Permits

Title 1. General Provisions

Section 5-1101. Exemptions

Nothing in this Article shall be construed to require that a Town license or permit be obtained by:

- (a) Any person, firm or corporation required to obtain a State license under the provisions of Article 56, Annotated Code of Maryland, unless expressly declared by this Article as necessary for regulatory purposes in the interest of the public health, safety or morals.
- (b) Any person, firm or corporation making a sales presentation at a Town residence in response to a request initiated by an occupant of that residence.
- (c) Any person, firm or corporation making a sales presentation at a Town residence in response to a request initiated by an occupant of that residence.
- (d) Any newsboy who takes orders for the delivery of newspapers.
- (e) Any person expressly excluded from the requirements of this Article.

REVISOR'S NOTE: For State law regarding the provisions of Subsection (a), see Section 12 of Article 56, Annotated Code of Maryland. The following business activities or occupations are among those required to obtain State licenses. (The specific number of the Section within Article 56 is indicated by the parenthesis following each business or occupation): billiard tables (14), coin operated musical devices (17), hawkers or peddlers (21), traders selling their stock from a place of business (32), chain stores (57), cigarettes (65 and 66), vending machines (74), private detectives (76), boxing and wrestling events (112), motor vehicle fuel (140), outdoor music festivals (159A), garages for storage or for keeping vehicles for hire (160), employment agencies (161), trading stamp companies (172), wholesale dealers of farm machinery (173), soda water fountains (174), storage warehouses (176), dry cleaners and laundries (177), restaurants and eating places (178), plumbers and gas fitters (179), construction firms (180), real estate brokers (217), junk dealers (234), landscape architects (272), foresters (299), land surveyors (343), franchises (347), surveillance of business customers (366), sale of business opportunities (403), pawnbrokers (418), barbers (430), barbershops (434), plumbing work (446), architects (468), cosmetologists and beauty shops (480), hearing aid dealers (509), master electricians (535) and pharmacists (See Section 12-301 of the Health Occupations Article, Annotated Code of Maryland; also note that the state requires distribution permits for prescription drugs, Section 12-602, and pharmacy permits for

the operation of a pharmacy, Section 12-401). Also see those business activities and occupations which are listed at Section 5-1102 and for which municipalities may not issue licenses under the exemption described at Subsection (a).

Section 5-1102. State Preempted Licenses

Nothing in this Article shall be construed to apply to the following areas of regulation which have been reserved by the State of Maryland for its exclusive control:

- (a) Manufacturers, located and doing business in the State, who sell and deliver at the same time to licensed dealers or retailers in the State, but not directly to consumers.
- (b) Growers or producers who sell fresh fruits, vegetables or other country produce at retail from a wagon.
- (c) Nonresident traveling salesmen, sample merchants or representatives of foreign mercantile or manufacturing firms who sell to or solicit orders from licensed merchants in this State.
- (d) The qualifications of persons engaged in the home-improvement business through the repair, replacement, remodeling, alteration, conversion, modernization, improvement, or addition to any land or building designed to be used as a dwelling unit; including (i) the construction, replacement or improvement of driveways, swimming pools, porches, garages, landscaping, fences, fall-out shelters, (ii) the installation of central heating or air conditioning systems, storm windows, awnings, fire alarms, and (iii) the installation of dishwashers, disposals, refrigerators with icemakers or other appliances to existing exposed household plumbing lines unless such lines require alteration.
- (e) The privilege of engaging in the business of a collection agency.
- (f) Persons engaged in buying, acquiring or trading commercially with members of the public in secondhand precious metals and gems.

REVISOR'S NOTE: For state laws preempting municipal licensing regulations in these areas see the following sections of Article 56, Annotated Code of Maryland: Subsection (a) – Section 34; Subsection (b) – Section 30 (municipalities, however, may require that such growers or producers apply for identification tags or cards); Subsection (c) – Section 60; Subsection (d) – Section 247; Subsection (e) – Section 328; Subsection (f) – Section 425.

Section 5-1103. Licenses or Permits Required; Conditions

No person shall engage in or carry on any business in the Town of Brunswick for which a license or permit is required by the County or by the terms of this Article without first having obtained a license to do so. Applications for Town licenses or permits shall be made to the

Town Clerk. The Mayor and Town Council or their duly authorized representative shall review each application and shall assure themselves that all Town code and ordinance provisions are complied with. No Town license or permit shall be granted until payment for same shall have been made. The Town license year shall begin on May 1 and extend to and include April 30.

Section 5-1104. Issuance of Licenses or Permits

Each license or permit issued under the provisions of this Article shall contain the name and address, and if an individual, the description of said individual to whom issued, and if issued to a firm, partnership, company or corporation, such license or permit shall contain the name of the firm, partnership, business, company or corporation, the address of its principal office or place of business, and in the case of a corporation, the name and address of its resident agent.

Section 5-1105. Authorized Licensees or Permittees

A license issued under the provisions of this Article to a firm, partnership, business, company, or corporation may be used by any of the employees of such firm, partnership, business, company, or corporation in the ordinary course of his, her, or their business.

Section 5-1106. Display of Licenses or Permits

Each person, firm, business, company, partnership or corporation, or business enterprise of an type or description, authorized to operate by the Town, County or State shall carry said license either in the vehicle, if any, operated in the course of said business, or upon his person, if an individual, or upon the premises of the business, if said business is conducted in a premises in the Town of Brunswick, at all times while conducting said business, and the same shall be exhibited upon demand of any police officer of the Town of Brunswick. Said license or permit shall be attached to the vehicle, if any, on the inside right hand side of such vehicle and shall be visible at all times.

Section 5-1107. Suspensions and Revocations

- (a) All Town licenses or Permits for the conduct of a business shall be subject to suspension by the Town Clerk and to revocation by the Mayor and Town Council after a public hearing, if it is shown that such license or permit was erroneously issued or was obtained by fraud, misrepresentation or concealment of material facts, or that the business or the manner in which such business is conducted constitutes a public nuisance or a danger to the public health, safety or morals, or if such business is being conducted in violation of any law or ordinance of the United States, the State of Maryland, Frederick County or the Town of Brunswick, or if such place of business is being used for any illegal purpose.

- (b) Before any Town license or permit shall be finally revoked, a notice of suspension shall be served on the holder by delivery to the holder's place of business or last known address, advising the holder of the reason for suspension of the license or permit and of the holder's right to appeal and to appear before a public hearing of the Mayor and Town Council no sooner than five (5) days from the date of notice and at a date and time to be stated therein to show cause why such license or permit should not be revoked. Failure to file a written appeal with the Town Clerk before the date of the public hearing shall constitute a waiver of the holder's right of appeal and public hearing and shall result in an automatic final revocation of the holder's license or permit.
- (c) If such a license or permit be suspended or revoked, it shall thereafter be unlawful for any person, firm or corporation to engage in or be employed in any business at any such location until a suspension be stayed or until license or permit shall again be obtained. Filing of an appeal shall stay suspension of a license or permit, but shall not stay a revocation unless the Council shall grant such a stay.

Section 5-1108. Payment of License or Permit Fees

All persons required to obtain an annual Town license or permit shall apply in person to the Town Clerk of the Town of Brunswick for the same on or before the first Monday in May in each and every year, or if said day be a legal holiday, on the next succeeding business day thereafter and shall, at the time of so doing pay therefore to the Town Clerk an annual fee as specified at Article 2. When a license or permit is issued for a part of a year, the fee shall be calculated on a pro-rata basis.

Title 2. Regulated Establishments

Section 5-1201. Licensed Establishments

It shall be unlawful for any person, persons, firm, firms, company, companies, partnership, partnerships, or corporation or corporations, within the corporate limits of the Town of Brunswick, Maryland, to own, keep, or operate, without having first obtained a license, the following establishments:

- (a) Skating rinks.
- (b) Beer taverns not otherwise qualifying as restaurants or eating places.

REVISOR'S NOTE: Restaurants and eating places are regulated by the State Health Department and are subject to State licensing and inspection requirements.

Section 5-1202. Prohibited Establishments

It shall be unlawful to maintain hogs or hog pens of any type or description within the corporate limits of the Town of Brunswick.

Title 3. Regulated Activities

Section 5-1301. Public Dances

It shall be unlawful for any person or persons, club or clubs, organization or organizations, firm or firms, corporation or corporations, of whatever type or description, within the corporate limits of the Town of Brunswick, Frederick County, Maryland, to hold a public dance between the hours of 12:00 o'clock midnight and 12:00 o'clock noon and on national holidays, except that any bona fide civic or service organization may, by obtaining a permit as hereinafter provided, hold or conduct a public dance until the hour of 1:00 o'clock a.m. or upon a national holiday within the corporate limits aforesaid, provided that the purpose of such organization or organizations in holding such public dance is to raise funds for charitable, religious or civic purposes or enterprises. This Section shall not apply to private homes wherein dancing may be conducted or dance music performed for the amusement and enjoyment of the householders, members of their families and guests.

Section 5-1302. Fortunetelling and Palmistry

It shall be unlawful for any person to engage in or practice clairvoyance, astrology, mind reading, palmistry, phrenology, divination or other psychical means or pretense of fortunetelling for gain, either directly or indirectly, within the Town.

Section 5-1303. Public Entertainment

It shall be unlawful for any person, persons, firm, company, partnership or corporation without first having obtained therefore a license, as hereinafter provided, from the Town Clerk, within the corporate limits of the Town of Brunswick, to conduct, manage or in anywise engage in as manager, proprietor, lessee or otherwise, or to exhibit any circus, carnival, merry-go-round or sideshow of any type or description, either for showing or parading in the Town of Brunswick, or to have any theatrical performance or moving picture show or exhibition of any type or description, or for any exhibition of public entertainment of any type or description, whether or not an admission fee is charged for the same; provided that lectures on scientific, benevolent, artistic, religious or literary subjects, and any necessary apparatus for the conduct of the same, and the use of specimens for fine art, and any exhibition, show or amusement for the benefit of any fire company of said Town of Brunswick, or for any charitable, religious, or educational purposes shall be exempt from the provisions of this ordinance. The Mayor of the Town of Brunswick shall have the power to direct the said Town Clerk not to issue a license for any show, circus, theatrical performance or other entertainment of any type or description, whenever in his judgment the production or exhibition thereof would tend to demoralize the community and its citizens or create a disturbance or disorder in the community, or be against the best interests of the Town of Brunswick and its citizens; provided, however, that if the

Town Council should, by unanimous vote of its members, authorize the issuing of said license, then the same shall be issued by the Town Clerk.

Section 5-1304. Sidewalk and Street Stands

No license issued under the provisions of this Article shall authorize the sale of merchandise from a stationary position or from a sidewalk or street island stand of any type or description, including the sale of agricultural products by a grower or producer.

REVISOR'S NOTE: See Section 5-1102(b) and REVISOR'S NOTE thereto.

Section 5-1305. Solicitors

No salesman, person, firm, partnership, corporation or any other business enterprise of any type or description, not having an established place of business within the corporate limits of the Town of Brunswick, on the effective date of this Ordinance, shall sell, hawk, peddle, offer for sale, solicit orders, for merchandise or otherwise, at retail, unless said salesman, person, firm, corporation, partnership or business enterprise of whatever type or description shall have previously obtained an identification tag from the Town Clerk of the Town of Brunswick.

REVISOR'S NOTE: For State law prohibiting the sale or distribution of drugs and medicines on public streets or by means of a public show, see Section 4-1112 of the Health-Environmental Article, Annotated Code of Maryland.

Title 4. Taxicabs

Section 5-1401. Definitions

The following words and phrases when used in this Title shall have the meanings respectively ascribed to them in this Section, except in those instances where the context clearly indicates a different meaning.

Driver. The person in control of and operating or driving a taxicab on the streets of the Town of Brunswick.

Owner. The person in whose name the taxicab has been registered by the State Department of Motor Vehicles.

Person. An individual, firm, partnership, association, corporation owner or driver as herein described.

Taxicab. Any motor vehicle for hire, designed to carry seven or fewer individuals, including the driver, and used to accept or solicit passengers for transportation for hire between those points along highways in this State as the passengers request.

Section 5-1402. Special Taxicab License Required

No taxicab owner shall operate or permit a taxicab to be operated within the corporate limits of the Town of Brunswick without securing a special taxicab license for each vehicle from the Town Clerk. A photograph of the driver shall be affixed by the owner to each license and a duplicate copy thereof shall be delivered to the Town Police Department.

Section 5-1403. Safety Certificate Required

No special taxicab license renewal application shall be processed without being accompanied by a safety certificate issued by the Town Police Department within 30 days prior to the application. Each such certificate shall certify the results of an inspection conducted by the Police Department and shall affirm that the taxicab and all equipment used in connection with its operation is in proper physical condition so as not to present a threat to the safety of passengers or the general public.

Section 5-1404. Insurance Required

No taxicab shall operate within the corporate limits of the Town of Brunswick nor shall any license be issued therefore, unless and until the owner shall deposit with the Town Clerk for each such taxicab a certificate of coverage by a public liability and property damage insurance policy in the sum to be established from time to time by the Town Council, such insurance policy to be procured from a liability insurance company authorized and licensed to do business in the State of Maryland. No certificate of insurance coverage shall be accepted by the Town Clerk as complying with this Section if it contains any provision relieving the insurance company from liability because of the failure of the owner or driver to notify the insurance company of the happening of any accident resulting in bodily injury or property damage. Each certificate or policy shall contain a clause obligating the insurance company to give twenty days written notice to the Town Clerk before cancellation thereof. The license for the operation of any taxicab issued under this policy shall expire upon the lapse or termination of said policy, subject to re-instatement upon compliance with the provisions of this Section. In the event of re-instatement within the licensing period covered by the license previously issued, no new license fee shall be charged.

Section 5-1405. Display Required

Each taxicab shall display in full public view each of the following:

- (a) Special taxicab license as required by Section 5-1106;
- (b) Rate Schedule Card not less than three inches in width and four inches in length on which shall be printed in letters as large as the space will permit, a clear and understandable schedule of the rates established for the use of such taxicab.

Section 5-1406. Driving Record Restrictions

No person shall drive a taxicab within the Town who shall have two or more convictions by a court of competent jurisdiction within twelve months for reckless driving or for three convictions by such Court within said period of exceeding speed limits or failure to observe signs or signals erected in accordance with law for the regulation and control of traffic. No person shall drive a taxicab within the Town who shall have been convicted of manslaughter by automobile.

REVISOR’S NOTE: See Section 16-69 of the Municipal Charter of Brunswick.

Article 2. Revenues and Administrative Charges

Title 1. Fees

Section 5-2101. State Preempted Fees

Nothing in this Article shall be construed to authorize a fee or occupational tax upon any person, firm or corporation for transacting any business or engaging in any occupation for which a State license must be obtained under the provisions of Article 56, Annotated Code of Maryland.

REVISOR’S NOTE: For State law prohibiting a municipality from levying a fee or tax on a business or occupation licensed by the State, see Section 12 of Article 56, Annotated Code of Maryland.

Section 5-2102. Annual License or Permit Fees

Except as otherwise stated in this Title, the annual license or permit fee for each business activity and occupation within the jurisdiction of this Article shall be fifty dollars (\$50).

Section 2-2103. Taxicab License Fees

The annual license fee for each taxicab operated within the Town shall be one hundred dollars (\$100).

Section 2-2104. Parking Space Fees

The Town Council may establish an annual fee and authorize the Town Clerk to issue annual Parking Space Permits for metered or non-metered parking spaces to provide ready office access for persons receiving or providing medical, dental, legal, or other professional services within the Town.

Article 3. Franchises and Agreements

Title 1. Cable Television

Section 5-3101. Definitions

For the purposes of this Title, the following terms, phrases, words and derivations shall have the meaning given herein.

Town. The Town of Brunswick, Maryland.

Operator. Frederick Cablevision.

Person. The governing body of Brunswick, Maryland.

Cable Television System (or CATV System). A facility that, in whole or in part, receives directly, or indirectly over the air, and amplifies or otherwise modifies the signals transmitting programs broadcast by one or more television or radio stations and distributes such signals by wire, cable, or satellite transmission to subscribing members of the public who pay for such service, but such term shall not include: (1) any such facility that serves fewer than 50 subscribers, or (2) any such facility that serves only the residents of one or more apartment dwellings under common ownership, control, or management, and commercial establishments located on the premises of such apartment house.

System. The poles, lines, fixtures, equipment, attachments, and all appurtenances thereto which are used in the construction, operation, and maintenance of the cable television and satellite transmitted systems herein authorized.

Utility. Any utility doing business in the Town, whose facilities may be used by the cable television system operator.

Section 5-3102. Grant of Non-Exclusive Authority

- (a) Frederick Cablevision has been granted a franchise to construct, erect, operate and maintain in, upon, along, across, above, over and under, the streets, alleys, public ways, and public places, now laid out or dedicated and all extensions thereof and additions thereto in the Town, wires, poles, cables, underground conduits, conductors and fixtures necessary for the maintenance and operation in the Town of a cable television system for the reception and distribution of television signals and energy, radio signals, and visual and aural signals which are not otherwise herein prohibited. The rights granted extend to any area annexed to the Town and the Operator shall be bound by the same rules and regulations as to such area as are otherwise herein or hereafter provided. This grant extends to the leased or rented use of poles and other facilities of any utility now or in the future operating in the Town.

- (b) The right to use and occupy streets, alleys, public ways and places for the purpose herein set forth, shall not be exclusive and the Town reserves the right to grant the use of streets, alleys, public ways and places to any person at any time during the period of any franchise granted under authority of this ordinance.
- (c) The franchise granted under authority of this Title shall remain in full force and effect for a period of ten (10) years from November 13, 1979 and shall be subject to renewal for a reasonable term.

Section 5-3103. Compliance with Federal Rules and Regulations

- (a) The Operator shall comply with all rules and regulations of the Federal Communications Commission resulting from amendments to such standards by the Federal Communications Commission, shall be incorporated into this Title within one (1) year of the adoption of the modification by the Federal Communications Commission.
- (b) Any modification of the franchise standards of the Federal Communications Commission resulting from amendments to such standards by the Federal Communications Commission, shall be incorporated into this Title within one (1) year of the adoption of the modification by the Federal Communications Commission.

Section 5-3104. System Capacity

The system authorized by this franchise shall be capable of providing at least 12 channels of video service and may include a selection of FM radio stations.

Section 5-3105. Service Standards

- (a) The Operator shall maintain and operate the system and render efficient service in accordance with the rules and regulations as are or may be set forth by the Town or the Federal Communications Commission.
- (b) The Operator shall take all necessary steps so that the system shall maintain at all times:
 - (1) Use of all band equipment capable of passing the VHF television and FM radio spectrum
 - (2) Equipment that passes standard color television signals without material degradation
 - (3) A system and all equipment designated and rated for 24-hour per day continuous operation

- (c) The Operator shall provide and keep accurately calibrated test equipment on hand in the service area at all times for the testing of all service and operational standards outlined in this Title and shall conduct tests as reasonably requested by the Town under the supervision of a Town representative, in order to establish the level of performance of the system.
- (d) The Operator shall not be deemed or declared to be in default under any of the conditions, provisions, requirements or limitations of this Title in any case in which the performance of any such condition, provision, requirement or limitation is prevented by reason of strikes, injunctions or other causes beyond the control of the company, provided that the company shall not have instigated such strike, or shall not have been responsible for suits or injunctions or other causes of delay.

Section 5-3106. Operational Standards

The Operator shall:

- (a) Distribute signals of adequate strength to produce good pictures and good sound at all outlets without unreasonable interference with other electrical or electronic systems.
- (b) Upon request by any subscriber, demonstrate by instruments and otherwise that a signal of adequate strength and quality is being delivered.
- (c) Limit failures to a minimum by locating and correcting malfunctions promptly.
- (d) Render efficient service, make repairs promptly, and interrupt service only for good cause and for the shortest time possible, and to keep and maintain such a proper and adequate inventory of maintenance and repair parts for the cable system as will assure the continuity of the service of the system and to have maintenance and repair crews available in accordance with good engineering practices.
- (e) Attempt to resolve individual service complaints within 24 hours and attend major disruptions of service immediately.
- (f) Maintain an agent, or a local office which shall be open during usual business hours, have a listed telephone and be so operated that complaints regarding the quality of service, equipment malfunctioning and similar matters, and requests for repairs or adjustments may be received at any time. A report of the investigation and resolution of such complaints and requests shall be made to the Town on request.
- (g) Not interfere with the proper use of streets, alleys, and other public ways and places, nor with the rights or reasonable convenience of property owners who

adjoin any streets, alleys, or other public ways and places by means of transmission and distribution structures, lines and equipment erected by the Operator within the Town.

- (h) In case of any disturbance of pavement, sidewalks, driveways, or other surfacing, at its own expense replace and restore such places so disturbed to as good condition as before said work was commenced, so far as is reasonably possible.
- (i) Upon reasonable notice by the Mayor, remove, re-lay and relocate its equipment in the event that at any time during the period of any franchise granted under authority of this Title, the Town shall lawfully elect to alter or to change the grade of any street, alley, or other public way, or require existing utilities to be located underground.
- (j) On request of the Town, temporarily raise or lower its wires to permit the moving of buildings. This expense shall be charged to the person moving the building.

Section 5-3107. Indemnification and Liability Coverage

The Operator shall save the Town, its officers and employees harmless from all loss sustained by the Town, its officers and employees on account of any suit, judgment, execution, claim, or demand whatsoever arising out of negligent construction, operation and maintenance of the system by the Operator. The Operator shall maintain and keep in full force and effect at all times during the term of its franchise, sufficient liability insurance coverage to protect the Town, its officers and employees against any such claim, suits, judgments, executions, or demands in a sum not less than \$100,000 per person as to any one claim, \$300,000 as to any one accident or occurrence, and not less than \$50,000 for property damage as to any one accident occurrence. There shall be filed and maintained in the Office of the Town Clerk a Certificate of Insurance and copies of each current liability and indemnification policy required by this Title.

Section 5-3108. Performance Bond

There shall be filed and maintained in the office of the Town Clerk a performance bond running to the Town from a responsible surety in the sum of \$5,000. In case of any breach of the terms or conditions of this Title, the amount of the requisite performance bond shall be recoverable from the principal and surety thereof by the Town. Operator shall maintain such bond in force throughout the term of its franchise. Operator shall not be liable for any loss caused by strikes, riots, fires, acts of God or other cause beyond Operator's control.

Section 5-3109. Subscriber Rates

The rates to be charged subscribers for basic service provided by the Operator shall not be increased except as authorized by the Town Council after an appropriate public hearing.

Section 5-3110. Payments to the Town

- (a) The rights and privileges granted to the Operator are upon the condition that said Operator shall pay to the Town as consideration therefore an annual franchise fee of an amount not exceeding three percent (3%) of the annual gross revenue of the Operator received by it for cable television service in the Town with the exception of those revenues received by the Operator for satellite transmitted programs in which case a fee of three percent (3%) of the net income for service received by the Operator would be paid to the Town.
- (b) For the purpose of ascertaining the gross revenue received by the Operator for cable television service upon which the said percentage payments are to be computed as aforesaid an accurate account thereof shall be kept by said Operator and an abstract and account thereof made available during business hours by it to the Town.
- (c) The franchise fee shall be in lieu of all other business, occupation or franchise taxes, or other Town taxes or fees required to be paid by Operator, or shall be applied as a credit against said taxes or fees.

TOWN OF BRUNSWICK CODE OF ORDINANCES

CHAPTER 6. PUBLIC SAFETY AND CONDUCT

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CHAPTER 6

PUBLIC SAFETY AND CONDUCT

Article 1. Vehicular Regulations

Title 1. General Provisions

Section 6-1101. Definitions

Official Signs. Places where stopping, standing, and/or parking is prohibited by official signs shall be posted in conformity with the manual and specifications for a uniform system of traffic control devices adopted from time to time by the State Highway Administration pursuant to Section 25-104 of the Transportation Article, Annotated Code of Maryland as amended.

Operator. Every individual who shall operate a vehicle as the owner thereof, or as the agent, employee or permittee of the owner, or who is in actual physical control of a vehicle.

Park or Parking. The halting, stopping or standing of a vehicle, whether occupied or not, upon a street otherwise than temporarily, while actually engaged in receiving or discharging passengers or loading or unloading merchandise or while complying with traffic regulations, signs, signals or the directions of a police officer or while involuntarily stopping by reason of causes beyond the control of the operator of the vehicle.

Parking Meter. Any mechanical device or meter not inconsistent with this Article placed or erected for the regulation of parking by authority of this Article. Each parking meter installed shall indicate by proper legend the legal parking time established by the City and when operated shall at all times indicate the balance of legal parking time, and at the expiration of such period shall indicate illegal or overtime parking.

Parking Meter Space. Any space within a parking meter zone, adjacent to a parking meter and which is duly designated for the parking of a single vehicle by lines painted or otherwise durably marked on the curb or on the surface of the street adjacent to or adjoining the parking meters.

Parking Meter Zone. Any restricted area of a street upon which parking meters are installed and in operation.

Recreational Vehicle. Any vehicle used or intended to be used as a conveyance upon public streets or highways, including self-propelled and non-self-propelled vehicles so designed, constructed and reconstructed or added to by means of accessories, including slide-in campers, as to permit the occupancy thereof as a temporary dwelling or sleeping place for one or more persons, but not including a customized van or a pick-up truck with a cap.

Street. Any public street, avenue, road, alley, highway, lane, path, or other public place located in the Town of Brunswick and established for the use of vehicles.

Taxicab. Any motor vehicle for hire, designed to carry seven persons or less, including driver, operated upon any public street or highway, and accepting or soliciting passengers indiscriminately, on call or demand, for transportation between such points as may be directed by the passenger or passengers.

Trailer. Any type of wheeled unit built or designed to be attached to a motorized vehicle, including camping trailer, travel trailer, boat trailer, or trailer for moving materials of any kind whatsoever.

Vehicle. Any device in, upon or by which any person or property is or may be transported upon a highway, except a bicycle or any device which is operated upon rails or tracks.

Section 6-1102. Enforcement

- (a) It shall be the duty of the Police Department to enforce the provisions of this Article. The provisions of Section 26-301 et seq. of the Transportation Article, Annotated Code of Maryland as amended from time to time, shall be fully applicable to the enforcement of this Article.
- (b) A notice of violation shall be attached to any vehicle parked in violation of the provisions of this Article; such notice shall indicate the nature of the violation, the time of violation, the payment due date, and the amount of liability for fines and penalties as determined from time to time by the Town Council.

Section 6-1103. Penalties

It is a misdemeanor to violate any of the provisions of this Article. Violations shall be handled as prescribed in Section 26-303 of the Transportation Article, Annotated Code of Maryland:

“Section 26-303. Election to pay or stand trial; presence of officer at trial.

- (a) Election by person receiving citation. (1) The person receiving a citation under this subtitle shall: (i) Pay for the parking violation directly to the political subdivision or State agency serving the citation; or (ii) Elect to stand trial for the violation. (2) An election to stand trial shall be made by sending a notice of intention to stand trial to the political subdivision or State agency at least 5 days before the payment date specified in the citation.
- (b) When presence of officer required. (1) If a person elects to stand trial and desires the presence at trial of the police officer who issued the citation; he shall so notify the political subdivision or State agency at the time the notice of

intention to stand trial is given. (2) If proper notification is not given, the police officer need not appear at the trial, and the copy of the citation bearing the certification of the officer is prima facie evidence of the facts stated in it.”

Title 2. Parking

Section 6-1201. Installation of Signs and Meters

- (a) Whenever it is necessary for the safety or control of vehicular or pedestrian traffic or for the regulation of the use of parking areas, the Council of Brunswick is authorized to provide by resolution for the erection of “STOP”, “NO PARKING”, “SPEED LIMIT”, “ONE WAY”, and other traffic control and parking restriction signs designed to control, regulate, warn or guide traffic or limit parking on public streets, highways, parking lots, or other areas in the Town of Brunswick. The Town Council may also from time to time authorize, by resolution, the installation of parking meters in those places in the Town as conditions may necessitate.
- (b) The Superintendent of Public Works shall provide for the installation, regulation, control, operation and use of the parking meters provided for in this ordinance, and shall maintain parking meters in designated areas in a good and workable condition.
- (c) Meters installed in designated parking meter zones shall be placed upon the curb immediately adjacent to the individual parking space. Meters shall be placed in such a manner as to display by signal whether the meter is, or is not, legally in use. Each parking meter so installed shall indicate by a proper legend the times for its use established by the Mayor and Council of Brunswick and, when operated, shall indicate on and by its dial and pointer the duration of the period of legal parking, and on the expiration of such period shall indicate illegal or overparking.
- (d) Lines or markings shall be placed upon the curb and/or upon the street, adjacent to each parking meter, so as to designate the parking space for which said meter is to be used. Vehicles parking adjacent to meters shall park within the lines or markings provided.

Section 6-1202. Meter Revenues

The Town Council may from time to time establish, by resolution, a schedule of parking meter rates.

The funds generated from the use of parking meters shall be used:

- (a) To defray the expense of proper regulation of traffic upon the public streets of the Town;

- (b) To provide for the cost of supervision, regulation and control of the parking of vehicles in parking meter zones;
- (c) To cover the cost of purchase, supervision, protection, inspection, installation, operation maintenance, control and use of parking meters.

Section 6-1203. Meter Hours

Meters shall be used between the hours of 9:00 a.m. and 5:00 p.m. daily, except on Fridays and Saturdays, when they shall be used between the hours of 9:00 a.m. and 9:00 p.m.

No charge shall be made for the use of the parking meter zones on Sundays, legal holidays, or during hours other than those specified in this section.

Section 6-1204. Meter Operation

Meters shall be maintained in a good and workable condition. Upon the deposit of a coin or combination of coins of the United States indicated upon the meter, the party wishing to park may do so for a limited time as indicated on the parking meter.

Section 6-1205. Residents and Employees

The first blocks north and south of Potomac Street which are between and including Second Avenue and Dayton Avenue and which are not metered shall be used for residential and downtown employee parking. Each qualified vehicle may remain parked on these streets for an undetermined amount of time. All other vehicles in these areas will have a two hour time limit. A qualified vehicle is one that displays a sticker obtainable at the Police Department for a fee of \$1.00.

Title 3. Licensing of Bicycles

Section 6-1301. Inspection

Every operator of a bicycle within the corporate limits of the Town of Brunswick shall be required to submit his or her machine for inspection on or before the first of January in every year. Inspection will be conducted under the supervision of the Chief of Police who shall approve or disapprove of the mechanical condition of such bicycle. Inspection shall include brakes, tires, wheels, frame, handlebars and such other inspection as shall be required. Upon satisfactory inspection, the operator will be issued a license tag, bearing an identification number, certifying that the bicycle has been inspected.

REVISOR'S NOTES: See Note at Section 6-1406.

Section 6-1302. License Tags

No person shall be permitted to operate any bicycle within the Town of Brunswick without having first obtained a permit. A license tag shall be attached to each bicycle and must remain on said bicycle at all times.

Licenses shall be issued upon payment of a fifty cent (\$.50) fee payable upon completion of registration and inspection. Applications for registration are available from the Chief of Police.

Licenses are renewable each succeeding year for a fee of fifty cents (\$.50).

In the event that any license tag is lost, stolen or destroyed, the persons owing or having possession of such bicycle shall report the same to the Chief of Police within 24 hours after the incident. Upon payment of a fifty cent (\$.50) fee, a new license tag will be furnished to that person.

No license tag issued under the provisions of this Title shall be transferred from one bicycle to another but shall be transferable only from one person to another person pursuant to a change in ownership of the bicycle and in accordance with a change in registration of the bicycle.

Section 6-1303. Impoundment

Any bicycle found abandoned in any public thoroughfare, or being operated within the corporate limits of the Town without a license shall be impounded by the police. The police department shall keep such bicycle impounded until the owner shall have obtained the required license tag.

Any bicycle operated contrary to the provisions of this Ordinance shall also be impounded. The bicycle so impounded shall be held at Police Headquarters until the owner thereof, if the owner is an adult, or the parent or parents of the owner, if said owner is a juvenile, satisfies the Police Chief that he or she will obey all the provisions of this Ordinance.

No impounding fee will be charged. If a bicycle is not redeemed within thirty (30) days from the date of impoundment, such bicycle will be sold at public auction, after the sale has been duly advertised by publishing a notice of the time, place and date of such sale at least ten (10) days prior to the sale in some newspaper having a general circulation in the Town.

Title 4. Prohibitions

Section 6-1401. All Vehicles—Prohibitions

- (a) No person shall operate a vehicle within the corporate limits of the Town of Brunswick at a speed of greater than twenty-five (25) miles per hour or as otherwise posted.

- (b) No person shall operate a motor vehicle in a school zone at greater than fifteen (15) miles per hour during school hours and as otherwise posted during non-school hours.

Section 6-1402. Commercial Vehicles—Prohibitions

- (a) No person shall park a vehicle designed or used for carrying freight or merchandise, on any public highway, except when actually loading or unloading merchandise, or when the operator or owner of such vehicle is actually engaged in rendering a service at or to such premises or as authorized by a permit issued under the provisions of Section 5-1401 or this Code.
- (b) No person shall park any vehicle which has three or more axles within the corporate limits of the Town in zoning districts R-1, R-2, B-1 and B-2 at any time except for a maximum limit of one hour only while loading or unloading such vehicle from an unmetered space and a maximum limit of thirty (30) minutes while loading or unloading such vehicle from a metered space.
- (c) No passenger shall enter or leave any taxicab by way of the left side of such taxicab.
- (d) No taxicab shall be parked in any space other than a space designated by the Mayor and Council of the Town of Brunswick.
- (e) No railroad car or engine of any description shall occupy a street crossing so as to prevent the passage of vehicles or pedestrians for more than five (5) miles.

Section 6-1403. Trailers and Recreational Vehicles—Prohibitions

No person shall park for any length of time whatsoever, within the limits of the Town of Brunswick any trailer or recreational vehicle upon any public lands, streets or public thoroughfares, unless the parking of such vehicle is necessary for purposes of loading or unloading, in which event such loading or unloading shall be completed within two (2) hours time, or unless authorized by a permit issued under the provisions of Section 5-1401 of this Code.

Section 6-1404. Metered Parking—Prohibitions

No person shall:

- (a) Cause, allow, permit or suffer any vehicle registered in the name of, or operated by such person, to be parked overtime or beyond the period of legal parking time established for any parking meter zone as herein described.

- (b) Permit any vehicle to remain or be placed in any parking space adjacent to any parking meter while said meter is displaying a signal indicating that the vehicle is parked beyond the period of time paid for by the operator.
- (c) Park any vehicle across any line or marking of a parking meter space or in such a position that the vehicle shall not be entirely within the area designated by such lines or markings.
- (d) Deface, injure, tamper with, open or willfully break, destroy, or impair the usefulness of any parking meter installed under the provisions of this Ordinance.
- (e) Deposit or cause to be deposited in any parking meter any slug, device, or metal substance, or other substitute for legal coins.
- (f) Park delivery trucks or commercial vehicles to load or unload in parking meter zones for a period longer than thirty (30) minutes without depositing coins into the parking meter.
- (g) Park heavy equipment, campers or trailers (whether house or otherwise) in unmetered spaces for more than one (1) hour without first having obtained a permit from the Mayor, the Chief of Police or the Town Clerk. Permits are available at the Police Department during normal business hours.
- (h) Permit any vehicle to remain in a metered space in excess of two (2) hours, unless the meter can provide an initial duration of more than two (2) hours or unless, in any metered zone except Potomac Street, the vehicle displays a residential sticker.
- (i) No person shall stop, stand or park a vehicle in any of the following places, unless necessary to avoid conflict with other traffic or unless in compliance with the direction of a police officer or traffic control device or unless as otherwise posted:
 - (1) Within ten (10) feet, unless otherwise marked, of the intersection of any public or municipal street or alley, corner or crossing, in the Town;
 - (2) Within ten (10) feet of a fire hydrant;
 - (3) Within twenty (20) feet of the driveway entrance to the fire station or any building used as fire halls;
 - (4) Lengthwise and parallel to the side of the street, with the wheels of such vehicle next to the sidewalk at a distance greater than twelve (12) inches from the curb;

- (5) Across any street, lane or alley so as to obstruct the passage of vehicles or pedestrians;
- (6) In any other manner other than headed with the flow of traffic; provided that any such vehicle, while loading or unloading between the hours of 7:00 a.m. and 5:00 p.m., may stand against the flow of traffic so long as it does not interfere with the flow of traffic.
- (7) In restricted areas, properly designated by painting the curb yellow or by the appropriate signs or markers, for a longer time than actually necessary to take on or discharge passengers, freight or merchandise.

REVISOR'S NOTE: Section 25-101.1 of the Transportation Article, Annotated Code of Maryland expressly prohibits the making or enforcing of any local law, ordinance or regulation on any subject covered by the Maryland Vehicle Law, unless such power is otherwise provided in a public general law. Section 25-101.1 also provides that all public local laws, ordinances and regulations which are inconsistent, identical or equivalent to any provision in the Maryland Vehicle Law are repealed. Section 26-301 of the Transportation Article, Annotated Code of Maryland does otherwise empower political subdivisions of the State to adopt vehicular parking ordinances or regulations which may supplement the State's vehicular parking laws set forth at Section 21-1001 et seq. While Section 25-102 of the Transportation Article, Annotated Code of Maryland provides that local authorities are not prevented by the Maryland Vehicle Law from exercising enumerated regulatory powers within certain specified activities, it does not appear that Section 25-102 expressly empowers the adoption of ordinances as does Section 26-301. See 65 Op. Att'y. Gen. 483, 486 (1980). Also see 65 Op. Att'y. Gen. 476, Fn. 2 (1980) and Duncan and Smith v. State, 281 Md. 247, Fn. 4 (1977).

Section 6-1405. Bicycles—Prohibitions

- (a) No person other than that person properly licensed, shall operate a bicycle in the Town.
- (b) No person shall fail to exercise full control over a bicycle within the corporate limits of the Town, and any person operating a bicycle shall keep his or her feet on the pedals and hands on the handles of said bicycle.
- (c) No person shall ride within the corporate limits of the Town any bicycle which has tires 30 inches or more in diameter.
- (d) No person licensed to ride within the corporate limits of the Town of Brunswick shall ride at a speed greater than 25 miles per hour and 15 miles per hour when in the act of turning any corner or crossing any street intersection.

REVISOR'S NOTE: For state laws regarding the operation of bicycles, see Title 21, Subtitle 12 of the Transportation Article, Annotated Code of Maryland, including therein Section 21-1204 (Clinging to Vehicles) and Section 21-1207 (Lamps and other Equipment on Bicycles). Also see Revisor's Note at Section 6-1401.

Article 2. Police Regulations

Title 1. General Provisions

Section 6-2101. Purposes

The provisions of this Article are declared as necessary for the purposes of protecting and promoting the public safety, preserving peace and good order, securing persons and property from violence, danger and destruction, suppressing vagrancy and gambling, and suppressing, abating and discontinuing all nuisances.

REVISOR'S NOTE: The State of Maryland has enacted police regulations which apply within jurisdictions throughout the State. For State law as to crimes and offenses generally, see Annotated Code of Maryland, Article 27.

Section 6-2101. Definitions

Civil Emergency or Disorder. Any riot and/or disorderly picketing or demonstrating or an unlawful assembly characterized by the actual use of force and violence or of any threat to use force and violence, if accompanied by the immediate ability to execute the same by two or three persons acting together, or any natural disaster or man-made calamity, including, but not limited to, flood, conflagration, cyclone, earthquake, tornado, explosion or complete electrical blackout or power failure within the corporate limits of the Town of Brunswick, Maryland, resulting in the death or injury to persons or the destruction of property to such an extent that extraordinary measures must be taken to protect the public safety and welfare.

Child in Need of Supervision. A child who requires guidance, treatment, or rehabilitation and who has committed an offense applicable only to children.

Curfew Order. A prohibition against any person or persons walking, running, loitering, standing, remaining or motoring upon any of the alleys, streets, highways, public property, private or vacant property within the corporate limits of the Town of Brunswick, Maryland, excepting such person who may have been officially designated to perform certain duties in connection with a civil emergency or disorder.

Dangerous Weapon. Any knife, slingshot, billy club, metal knuckles or firearm, of any kind or description, capable of being used to inflict bodily harm.

Establishment. Any privately owned place of business carried on for a profit or any place of amusement or entertainment to which the public is invited.

Firearms. Any gun, spring gun, rifle, air rifle, pistol, revolver, cannon, torpedo, or other dangerous weapon of any character, capable of propelling a projectile of any kind whatsoever.

Fireworks. Any firecracker, rocket, squib or other unauthorized explosive, but not including sparklers containing no chlorates or perchlorates.

Intoxicating Beverage. Any alcohol, brandy, whiskey, rum, gin, cordial, beer, ale, port, stout, wines, ciders, and any other spirituous, vinous, malt or fermented liquor, liquor or compound, by whatever name called, containing one-half of one per centum or more of alcohol by volume, which is fit for beverage purposes.

Obstruction. Any act to, or tending to, hinder, impede or prevent the free and uninterrupted, lawful use of property by and lawful passage of pedestrians, vehicles or traffic, including acts to prevent free and uninterrupted ingress to or egress from a public place or establishment.

Operator. Any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment; and wherever used in any clause prescribing a penalty, the “operator” as applied to associations or partnerships shall include the members or partners thereof and as applied to corporations shall include the officers thereof.

Parent. Any natural parent, adoptive parent, or person who is twenty-one (21) years of age or older and who has the permanent or temporary care or custody or responsibility for the supervision of a child.

Public Place. Any public street, highway, road, alley, park, playground, public building or vacant lot.

Remain. To idle, to saunter, to stand around, to linger, to “hang around,” to wander, to lounge, to sleep, to stroll, or to play in or upon one location.

Sound-Amplifying Equipment. The words “sound-amplifying equipment” shall mean any machine or devices for the amplification of the human voice, music or other sound. “Sound-amplifying equipment” shall not be construed as including standard automobile radios when used and heard only by occupants of the vehicle in which installed or warning devices on authorized emergency vehicles or other vehicles used only for traffic safety purposes.

Sound Truck. The words “sound truck” shall mean any motor vehicle having mounted thereon, or attached thereto, any sound-amplifying equipment.

Title 2. Public Safety Offenses

Section 6-2201. Discharge of Firearms

It shall be unlawful for any person to fire, discharge or set off any firearm within the Town without a written permit from the Chief of Police; provided, however, that this Section shall not apply to the use of firearms by law enforcement officers in the lawful discharge of their duties, or by members of any military company when engaged in drilling or target practice under the command or direction of an officer thereof.

Section 6-2202. Possession of Dangerous Weapons

It shall be unlawful for any person, other than a law enforcement officer, to wear or carry concealed, without a valid license, or to carry openly in a threatening or reckless manner, any dangerous weapon within the Town; provided, however, that this Section shall not act as a restriction on the wearing, carrying or transporting of handguns nor on the possession by private parties of pistols and revolvers as are exclusively regulated by the State of Maryland.

REVISOR'S NOTE: For State laws regarding the carrying of small firearms, see Section 36, 36B and 445 of Article 27, Annotated Code of Maryland.

Section 6-2203. Discharge of Fireworks

It shall be unlawful for any person to discharge fireworks within the Town without a written permit from the Mayor and Council of Brunswick; provided, however, that this Section shall not apply to the industrial or commercial use of explosives in the normal course of business, to the use of signal devices essential to promote safety in the operation of motor vehicles, boats or railroads, or to State Fire Marshal permitted uses by farmers of firecrackers, salutes or cherry bombs, with slow-burning fuse ropes, to control destructive birds and animals; and further provided that this Section shall not be enforced in contradiction to the laws of the State of Maryland.

REVISOR'S NOTE: For State laws regarding fireworks, see Section 15, et seq., of Article 38A, Annotated Code of Maryland.

Section 6-2204. Throwing of Objects

It shall be unlawful for any person to intentionally throw or propel any object, including but not limited to bricks, stones or other missiles, into the air with the result of injuring the person or property of another within the Town.

REVISOR'S NOTE: For State law regarding the throwing of missiles into occupied vehicles or instrumentalities of public transportation, see Section 111B of Article 27, Annotated Code of Maryland.

Section 6-2205. Resisting a Law Enforcement Officer

It shall be unlawful for any person to interrupt, resist, interfere with, strike, injure or oppose any Town police officer engaged in the discharge of official duties.

Section 6-2206. Riotous and Tumultuous Acts

- (a) It shall be unlawful for any person to participate in any assemblage of three or more persons engaged within the Town in an affray, riotous demonstration or other violent and turbulent behavior by which property is taken away, injured or destroyed, and thereafter to fail to obey the lawful command of any law enforcement officer to disperse or peacefully disengage and leave the scene of such assembly.
- (b) It shall be unlawful for any person to violate a General Curfew Order or any other order issued by written proclamation of the Mayor and Council declaring the existence of a civil emergency or disorder.

REVISOR’S NOTE: For State law regarding municipal liability to property owners for property taken away, injured or destroyed by any riotous or tumultuous assemblage of people, see Article 82, Annotated Code of Maryland.

Section 6-2207. Assault and Battery

It shall be unlawful for any person to cause an apprehension of and unlawful application of force to the person of another.

REVISOR’S NOTE: For State laws regarding spousal assault, assault with intent to murder, ravish or rob, and child abuse, see Sections 11F, 12 and 35A of Article 27, Annotated Code of Maryland.

Title 3. Public Conduct Offenses

Section 6-2301. Destruction of Property

- (a) It shall be unlawful for any person to injure, remove or destroy any property of any kind, real or personal, in any of the public parks, playgrounds or public places within the Town.
- (b) It shall be unlawful for any person to willfully and maliciously injure, destroy, deface or, without express authorization from the owner, tamper with or otherwise interfere with the functioning of any lawfully existing private or public structure, including any dwelling house, outbuilding, fence, gate, sign, streetlight, fire hydrant, dumpster, or temporary safety barrier, light or flare indicating a need for caution.

- (c) It shall be unlawful for any person to willfully and maliciously injure, destroy, unlawfully disturb or, without express authorization from the owner, otherwise break any private or public grounds, tree or cultivated planting.

REVISOR'S NOTE: For State laws regarding injury to the property of another, destruction of railroad property, destruction of water meters, destruction by explosives and destruction of grocery carts, see Sections 111, 112, 113, 116, 117, 118, 119 and 120A of Article 27, Annotated Code of Maryland.

Section 6-2302. Use of Intoxicating Beverages

- (a) It shall be unlawful for any person to consume any intoxicating beverage in or on private property within the Town without the express consent of the owners of such property.
- (b) It shall be unlawful for any person, without a Town permit, to give away or distribute any intoxicating beverage on any public property within the Town.
- (c) It shall be unlawful, from any private property within the Town, for any person to give away or distribute any intoxicating beverage with the result that a public disturbance is caused on or about such private property.

REVISOR'S NOTE: State law preempts municipalities from adopting ordinances identical or supplemental to prohibitions against persons: (1) being intoxicated and endangering the safety of another person or property, or (2) being intoxicated or drinking any alcoholic beverage in a public place and causing a public disturbance. See Section 207 of Article 2B, Annotated Code of Maryland.

Section 6-2303. Disorderly Conduct

It shall be unlawful for any person:

- (a) To run after, hold to or hand onto any moving vehicle within the Town.
- (b) To hold to or hang onto any standing vehicle within the Town without the express consent of the vehicle owner.
- (c) To interfere with any person within the Town by taking hold of him or in any way obstructing the free passage of any person upon or along the sidewalks, footways, streets, parks, picnic area, or in any public building or place for the purpose of begging or soliciting from him any monies or things.

REVISOR'S NOTE: Sections 121, 122, 123, 124, and 470 of Article 27, Annotated Code of Maryland provide that it is unlawful for any person to commit certain acts defined as disorderly conduct or to the disturbance of the public peace.

- (i) Section 121 provides that an act of disturbing the peace includes: “Any person who shall willfully obstruct or hinder the free passage of persons passing along by any public street or highway..., or who shall willfully disturb any neighborhood...by loud or unseemly noises, ...or shall profanely curse and swear or use obscene language upon or near to any...street or highway..., or shall willfully hinder or obstruct the free passage of persons passing on or through or out of the station grounds of any railroad...”
- (ii) Section 122 provides that an act of disturbing the peace includes: “Any person who shall be acting in a disorderly manner to the disturbance of the public peace, or who shall willfully act in a disorderly manner by making loud and unseemly noises or by profanely cursing, swearing or using obscene language, on or about any public place...or who shall willfully catch hold of and solicit persons against the will of said person, or obstruct their free passage to or through or out of such public place...”
- (iii) Section 123 provides that an act of disorderly conduct includes: An “...act in a disorderly manner to the disturbance of the public peace, upon any public street, highway, alley, park or parking lot, or in any vehicle that is in or upon any street, highway, alley, park or parking lot, ...or at any place of public worship, or public resort or amusement..., or in any store during business hours, or in any elevator, lobby or corridor of any office building or apartment or house having more than three separate dwelling units, or any public building...”
- (iv) Section 124 provides that an act of disorderly conduct includes: “Any person who shall enter upon the land or premises of any other person, whether such person be the owner or lessee of the land or premises and willfully acts in a disorderly manner by making loud and unseemly noises, or by profanely cursing or swearing or using obscene language or acting in any other disorderly manner while thereon...”
- (v) Section 470 provides that an act of disturbing the peace includes: “Whosoever shall willfully interrupt or disturb any religious congregation, society or meeting, by blowing horns, exploding firearms, horse racing, noisy, riotous or disorderly conduct or conversation...”

Section 6-2304. Indecent Exposure

It shall be unlawful for any person to make an indecent and offensive exposure of his person in any public place.

REVISOR’S NOTE: For State law regarding indecent exposure, see Section 335A of Article 27, Annotated Code of Maryland.

Section 6-2305. Curfew for Children

- (a) It shall be unlawful for any child under the age of eighteen (18) years to remain in or upon any public place or any establishment during any day or days of the week between the hours of 11:00 p.m. and 6:00 a.m. the following day unless accompanied by a parent, or directed on an errand by such child's parent, or supervised by a bona fide organization and attending a cultural or scholastic or athletic or recreational activity, or engaged in gainful and lawful employment during such hours.
- (b) It shall be unlawful for any parent to knowingly permit that parent's child to violate such curfew.
- (c) It shall be unlawful for any operator to knowingly permit a child to remain at an establishment in violation of such curfew.

Section 6-2306. Loitering

- (a) It shall be unlawful for any person to engage in acts of obstruction and to loiter, loaf, wander, stand or remain idle, either alone or in consort with others, in a public place or in or about the immediate area of an establishment, and to fail or refuse to obey the lawful order of a properly identified law enforcement officer to move on or disperse and to refrain from acts of obstruction.
- (b) It shall be unlawful for any person to loiter, idle, wander, stroll or play in or upon public parks and grounds owned by or within the Town, with the exception of the Brunswick campgrounds, between the hours of 11:00 p.m. and 9:00 a.m. of the following day unless written permission has been obtained in advance from a Town official or officer.

REVISOR'S NOTE: For State laws, see Section 577A (Loitering at Public Buildings or Grounds) and Section 581 (Vagrancy) of Article 27, Annotated Code of Maryland.

Section 577A provides that an act of loitering includes:

- (1) "Any person refusing or failing to leave a public building or grounds, or specific portion thereof, of a public agency or public institution during those hours of the day or night when the building, grounds, or specific portion thereof, is regularly closed to the public, upon being requested to do so by a regularly employed guard, watchman or other authorized employee of the public agency or institution owning, operating or maintaining the building or property, if the surrounding circumstances are such as to indicate to a reasonable man that such person has no apparent lawful business to pursue at such place..."

- (2) “Any person refusing or failing to leave a public building or grounds, or specific portion thereof, of a public agency or public institution during regular business hours, upon being requested to do so by an authorized employee of the public agency or institution owning, operating or maintaining the building or property, if the surrounding circumstances are such as to indicate to a reasonable man that such person has no apparent lawful business to pursue at such place or is acting in a manner disruptive of and disturbing to the conduct of normal business by such agency or institution...”

Section 581 provides that an act of vagrancy includes: “Every person, not insane, who wanders about...and lodges in ...public buildings...or in the open air, without having any lawful occupation...and without having any visible means of support...”

Title 4. Public Nuisance Offenses

Section 6-2401. Refusal or Neglect to Abate

It shall be unlawful for any person, being responsible for creating or causing or maintaining any of the public nuisances set forth in this Code, to refuse or neglect to comply with the order of a Town official or officer to remove, abate or discontinue a public nuisance within a reasonable time indicated by such official or officer.

Section 6-2402. Enumerated Public Nuisances

It shall be a public nuisance to create or to cause or to maintain, within the Town or within one half mile of the Town limits, any of the following conditions which directly or by their consequence cause injury or annoyance to the general public:

- (a) Bawdyhouses—a blatant and/or noisome place for licentious commerce, including a house of ill fame, a disorderly house and a house of prostitution, lewdness or assignation.
- (b) Unremoved Snow or Ice—a hazardous condition resulting from an accumulation of snow or ice upon any sidewalk within the Town. The owners and occupants of properties abutting a sidewalk shall:
 - (i) Remove or cause the removal of snow and ice for a width of at least four feet for the entire length of any sidewalk abutting their property,
 - (ii) Refrain from depositing or causing a deposit of removed snow or ice upon any public street, road, highway or alley.
 - (iii) Remove or cause the removal of snow and ice within eight (8) hours after a snowfall or before 2:00 p.m. in the event of a snowfall between the hours of 5:00 p.m. and 7:00 a.m.

- (iv) Be charged a removal cost in the event that the Town shall have caused the removal of accumulated snow and ice upon failure of the owner and occupant to comply with the Town's notification and order to remove such snow and ice.
- (c) Unreasonable Noise—any loud, disturbing and unnecessary noise of such character, intensity and duration as to be detrimental to the life or health of any person or to unreasonably disturb or annoy the quiet, comfort or repose of any person, including any noise which may cause:
 - (i) Temporary or permanent hearing loss;
 - (ii) Interference with sleep, speech communication, work, or other human activities;
 - (iii) Adverse physiological responses;
 - (iv) Psychological distress;
 - (v) Harm to animal life;
 - (vi) Devaluation of or damage to property; and
 - (vii) Unreasonable interference with the enjoyment of life or property.

No person shall create, cause or maintain an “unreasonable noise” public nuisance, including:

- (i) The sounding of a horn or other warning device of any motor vehicle except as a danger signal or in compliance with the requirements of a motor vehicle law or regulation;
- (ii) The sounding of a radio or phonograph or any musical instrument in such manner or with such violence as to annoy or disturb any person;
- (iii) The operation of any sound truck for commercial sound advertising with sound amplifying equipment without the consent of the Mayor or Chief of Police.
- (iv) The operation of any sound device attached to a vehicle and used for the purpose of attracting attention thereto for advertising purposes without the consent of the Mayor or Chief of Police.
- (v) The calling or crying out for advertising purposes from any vehicle without the consent of the Mayor or Chief of Police.

REVISOR'S NOTE: For State laws regarding or related to the public nuisances herein enumerated, see the following sections of the Annotated Code of Maryland: Article 27, Sections 15-17: Bawdyhouses and Houses of Ill Fame; Prostitution and Health-Environmental Article, Sections 3-105, et seq.: Noise Control.

Title 5. Special Enforcement Provisions

Section 6-2501. Curfew; Civil Emergencies or Disorders

Whenever the existence of a civil emergency or disorder has been declared by the Mayor or, in the Mayor's absence, by a majority of the Council, the mayor shall issue a written proclamation to the general public through the public news media and by a public posting at the Town Hall. The proclamation may include a General Curfew Order to apply to the Town, in whole or in part, for specified hours of the day and/or night as necessary to protect the safety and general welfare of the Town. In addition to a General Curfew Order, the proclamation may:

- (a) Order the closing of all retail liquor outlets.
- (b) Order the closing of all outlets, including taverns, which sell beer or other intoxicants.
- (c) Order the closing of all private clubs wherein the consumption of intoxicants is permitted.
- (d) Ban the distribution, whether by sale, gift or otherwise, of all flammable or combustible liquid products, including, but not limited to, gasoline in any container other than directly into the gasoline tank of an automobile which gasoline tank must be affixed to and be an integral part of such motor vehicle.
- (e) Order the closing of any and all establishments whose chief activity or purpose for being open is to distribute in any fashion, whether by sale or otherwise, flammable and/or combustible liquid products, including, but not limited to, gasoline.
- (f) Order the discontinuance of the distribution in any fashion, whether by sale or otherwise, of any firearms or ammunition of any type or description whatever.
- (g) Order the closing of some, or all, establishments which distribute in any fashion, whether by sale or otherwise, firearms or ammunition of any type or description.
- (h) Order the closing of all streets, ways, alleys and other public passageways within the corporate limits of the Town of Brunswick.

- (i) Issue any and all other orders deemed necessary for the protection of the citizens and property of the Town of Brunswick, Maryland.

Section 2-6502. Curfew; Children

Any Town police officer who finds a child in violation of the Town curfew shall take such child into custody as a child in need of supervision, shall notify immediately, or shall cause to be notified immediately, his or her parent of such custody, and shall refer the child to the local office of the State Department of Juvenile Services after being taken into custody twice over the preceding twelve (12) month period.

Article 3. Fire Regulations

Title 1. Offenses

Section 6-3101. Fire Lines

It shall be unlawful at the scene of a fire for any person, unless expressly authorized by firefighter or law enforcement personnel, to pass beyond lines established by such personnel to secure the fire scene and to protect persons or property from injury.

Section 6-3102. Interference with Fire Apparatus

It shall be unlawful for any person to tamper with, abuse, injure, deface, harm or destroy any fire hydrant or any fire apparatus, whether or not in use.

REVISOR'S NOTE: For State laws regarding obstruction of firefighters and false representation of a firefighter, see Section 11D of Article 27, Annotated Code of Maryland. For State laws regarding driving over fire hose, see Section 21-1110 of the Transportation Article, Annotated Code of Maryland.

TOWN OF BRUNSWICK CODE OF ORDINANCES

CHAPTER 7. CODE VIOLATIONS

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CHAPTER 7
CODE VIOLATIONS

Article 1. Procedures

Title 1. General Provisions

Section 7-1101. Definitions

Misdemeanor. The violation of any ordinance, code or state statute provision which has been deemed to be a criminal offense not amounting to a felony and which has not been specifically declared to be a municipal infraction.

Municipal Infraction. The violation of any ordinance or code provision specifically declared to be punishable as a municipal infraction and not otherwise deemed to be a criminal offense under state or county law; a municipal infraction is a civil offense.

Section 7-1102. Notice of Violation

The violation of any Town of Brunswick Code provision not specifically declared to be punishable as a municipal infraction may be evidenced by the issuance of a notice of violation as an alternative to arrest or the obtaining of a warrant for such violation. A police officer, or an authorized agent of the town witnessing a violation shall be authorized to issue such notice of violation to any person when that alternative would best meet the needs of justice and expediency under the circumstances; provided that the person shall be personally served by such officer or agent and that the person consents voluntarily in writing to accept such notice and to appear in court as provided herein.

- (a) The notice of violation shall contain and specify:
 - (1) The violation with which such person is charged.
 - (2) The hour, date, and location of the court for the county in which such person will be summoned to appear.
 - (3) A place in which the person may endorse the notice by signing his name and address, indicating his receipt thereof and willingness to appear.
- (b) If a person does not willingly consent to the issuance of the notice of violation the officer or agent may:
 - (1) If the agent who has witnessed the violation is a police officer, proceed to arrest the person.

- (2) If the authorized agent is not a police officer, proceed to obtain an arrest warrant in the manner provided by law.
- (c) The person serving the notice of violation shall make proof of his service to the court promptly and, in any event, within the time during which the person served must respond to the notice. Failure to make proof of service to the court, however, shall not affect the validity of the notice.

Section 7-1103. Abatement of Public Nuisances

If any person shall fail to abate any public nuisance condition after receipt of the Town's notice to abate and within a reasonable time as may be specified in such notice, the condition may be abated by the Town at the expense of the person named in such notice. Abatement by the Town shall not bar the prosecution of the person responsible for the condition abated.

Title 2. Municipal Infraction Procedures

Section 7-1201. Declaration of Municipal Infractions

The Town Council shall by ordinance declare the violation of which code or ordinance provisions shall be municipal infractions.

Section 7-1202. Issuance of Citation for Municipal Infractions

Those enforcement officials authorized by the Council to enforce town ordinances may deliver a citation to any person alleged to be committing a municipal infraction. The issuing officer shall file copies of any such citation at the headquarters of the police department and in the office of the Town Clerk/Treasurer.

Citations issued under this ordinance shall contain the following information:

- (a) Name and address of the person charged.
- (b) The nature of the infraction.
- (c) The location and time that the infraction occurred.
- (d) The amount of the infraction fine assessed and the amount which shall be due upon failure to make timely payment.
- (e) The manner, location and time in which the fine may be paid to the municipality; and
- (f) The right of the accused to elect to stand trial for the municipal infraction.

Section 7-1203. Payment of Fine

The fine is payable by the recipient of the citation to the Town Clerk/Treasurer within twenty (20) calendar days of receipt of the citation.

Section 7-1204. No Formal Hearing

The Town shall not conduct any formal hearing for those persons in receipt of a citation for a municipal infraction. Any offender so cited may pay the fine as indicated in the citation or elect to stand trial for the offense. This provision shall not prevent an offender from requesting, either personally or through an attorney, additional information concerning the municipal infraction.

Section 7-1205. Election to Stand Trial

A person who receives a citation for an infraction may elect to stand trial for the offense by giving notice to the Town Clerk at least five (5) days prior to the date by which payment shall be required under the citation. Upon receipt of such notice the Town Clerk/Treasurer shall forward to the District Court of Maryland for Frederick County a copy of the citation indicating the recipient's intention to stand trial.

Section 7-1206. Failure to Pay Fine

Upon failure of an individual to pay the fine noted on the citation when required, the Town Clerk/Treasurer shall give written notice of the infraction and the recipient's failure to pay the required fine on time. If the fine on the citation has not been satisfied within fifteen (15) days from the date of the notice from the Town Clerk/Treasurer, the recipient shall be liable for an additional fine not to exceed twice the original fine. If the recipient of the citation has not made payment of the fine noted thereon within thirty-five (35) days from the date of the notice from the Town Clerk/Treasurer, the Town may request adjudication of the case in the District Court of Maryland for Frederick County, which shall thereupon schedule the case for trial and summon the recipient of the citation to appear. The recipient's failure to respond to such summons shall be contempt of court.

Section 7-1207. Rights of Accused

In any proceeding for municipal infraction, the accused shall have the right to cross-examine witnesses, to testify or introduce evidence, and to be represented by an attorney of his own selection and at his own expense.

Article 2. Penalties

Title 1. General Provisions

Section 7-2101. General Misdemeanor Penalties

Unless otherwise specifically enumerated in this Code, any person found guilty of violating any provision of this Code for which violation is a “misdemeanor,” as defined in Section 7-1101, shall be subject to a fine not to exceed \$1000 and imprisonment not to exceed six months or both such fine and imprisonment for each offense.

Section 7-2102. General Municipal Infraction Penalties

The general penalty for commission of a municipal infraction shall be fifty dollars (\$50.00), unless another fine has been enumerated. In no event shall the fine actually imposed exceed one hundred dollars (\$100.00) and for the first offense or \$200 for each repeat offense.

Section 7-2103. Continuing Violations

Each day a violation of this Code or any Town Ordinance continues, shall, unless otherwise provided, constitute a separate or repeat offense.

Title 2. Enumerated Penalties

Section 7-2201. Enumerated Misdemeanors

Any violation of the Code provisions listed in this Section shall constitute and be punishable as a misdemeanor and shall be subject to the maximum fines and/or jail penalties enumerated herein. If a maximum fine and/or jail term is not enumerated herein, the general misdemeanor penalties at Section 7-2101 shall apply.

Section	Maximum Fine	Maximum Jail Term
2-3101 to 2-3404	Class A	90 days
6-2201 to 6-2207	Class A	90 days
6-2301	Class A	90 days
6-2304	Class A	90 days
6-2501, 6-3102	Class A	90 days
6-2302	Class B	
5-1401 to 5-1407	Class C	
6-1401	Class C	
6-2303	Class C	
6-2306	Class C	
6-3101	Class C	

REVISOR’S NOTE: All enumerated misdemeanor fines and jail terms should be referenced to the Section number and inserted at this section.

Section 7-2202. Enumerated Municipal Infractions

Any violation of the Code provisions listed in this Section shall constitute and be punishable as a municipal infraction and shall be subject to maximum fines enumerated herein for a first offense; if a maximum fine is not enumerated herein, the general municipal infraction penalties at Section 7-2102 shall apply.

Section	Maximum Fine
3-2201	Class A
5-1107	Class B
3-1102 to 3-1104	Class C
3-1107 to 3-1109	Class C
3-2104	Class C
3-2202	Class C
6-1404(d)	Class C
3-1103	Class D
3-1105 to 3-1106	Class D
3-1201 to 3-1202	Class D
3-1203 to 3-1205	Class D
3-1207	Class D
3-2103	Class D
5-1103	Class D
5-1106	Class D
6-1301	Class D
6-1302	Class D
6-1402	Class D
6-1403	Class D
6-1404(e) and (f)	Class D
6-1405	Class D
6-2305	Class D
6-2401	Class D
6-1404(c), (g), and (i)	Class E
6-1404(a), (b), and (h)	Class F

REVISOR'S NOTE: All enumerated municipal infraction fines should be referenced to the Section number and inserted at this section.

Section 7-2203. Maximum Fines

(a) The maximum fine for enumerated misdemeanors shall be:

Class A Misdemeanors:	\$1000
Class B Misdemeanors:	\$ 300
Class C Misdemeanors:	\$ 100

(b) The maximum fine for enumerated municipal infractions shall be:

Class A Municipal Infractions:	\$ 300
Class B Municipal Infractions:	\$ 100
Class C Municipal Infractions:	\$ 50
Class D Municipal Infractions:	\$ 25
Class E Municipal Infractions:	\$ 5
Class F Municipal Infractions:	\$ 1